

Also, a bill (H. R. 20455) granting a pension to Albert A. Kelly; to the Committee on Pensions.

Also, a bill (H. R. 20456) granting a pension to Julia Gallagher; to the Committee on Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 20457) granting an increase of pension to Melinda Keenan; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20458) granting an increase of pension to Boman R. Butcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20459) granting an increase of pension to George G. Sherlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20460) to correct the military record of James McMannin and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 20461) granting an increase of pension to Mary J. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20462) granting an increase of pension to Laura A. McCormick; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 20463) granting an increase of pension to C. L. Belknap; to the Committee on Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 20464) granting a pension to Peter Throssel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20465) for the relief of A. A. Kelly; to the Committee on Claims.

By Mr. STEPHENS of Nebraska: A bill (H. R. 20466) granting a pension to Harry N. Gates; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 20467) granting an increase of pension to William Orr; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 20468) granting a pension to Julia Jones; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 20469) granting a pension to Anna R. Cartwright; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Tuscarawas County (Ohio) Woman Suffrage Association, favoring woman suffrage; to the Committee on the Judiciary.

Also, evidence to accompany House bill 20359, for relief of Eliza E. Wells; to the Committee on Invalid Pensions.

By Mr. DILLON: Petition of citizens of South Dakota, favoring recognition for Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. DRUKKER: Petition of citizens of New Jersey, favoring House joint resolution 377 relative to export of munitions of war; to the Committee on Foreign Affairs.

By Mr. GILL: Memorial of North St. Louis Business Men's Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GILMORE: Petition of citizens of Bristol, Mass., and Swedish Cromer Lodge, No. 10, International Order of Good Templars, of North Easton, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GOULDEN: Petition of citizens of New York City, against export of munitions of war from the United States to warring nations; to the Committee on Foreign Affairs.

Also, petition of William D. Peck, New York City, favoring restoration of the protective tariff; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of Antoinette P. Brayton, of Providence, R. I., against woman suffrage; to the Committee on the Judiciary.

By Mr. KONOP: Petition of citizens of the ninth congressional district of Wisconsin, favoring House joint resolution 377, prohibiting export of munitions of war from the United States; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Chicago Post Office Clerks' Association, protesting against removal of post-office employees from service on account of old age; to the Committee on Reform in the Civil Service.

By Mr. ROGERS: Petition of the Matthew Temperance Institute, Lowell, Mass., against the recognition on the part of the United States of any government in Mexico which will refuse to guarantee civil and religious freedom to the inhabitants of Mexico; to the Committee on Foreign Affairs.

By Mr. SLOAN: Petition of citizens of Omaha, Nebr., against woman suffrage; to the Committee on the Judiciary.

#### SENATE.

THURSDAY, December 31, 1914.

(Legislative day of Tuesday, December 29, 1914.)

The Senate met at 11 o'clock a. m., on the expiration of the recess, and was called to order by the Presiding Officer, Mr. SWANSON.

Mr. SMOOT. Mr. President, I ask unanimous consent to introduce a bill and have it printed in the RECORD. It deals with the development of water power, a subject that is now before Congress.

The PRESIDING OFFICER (Mr. SWANSON). Is there objection?

Mr. SMITH of Georgia. As the Senator from Utah is the only person who is now on the floor to object—

Mr. SMOOT. If the Senator from Georgia objects, I certainly shall not ask leave to introduce the bill.

Mr. SMITH of Georgia. I am not going to object; but I say as the Senator from Utah makes the request, there is no one left to object, because we rely on him especially to prevent an irregular mode of procedure.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

Mr. SMOOT. I withdraw my request.

Mr. SMITH of Georgia. No; I do not object. I think the Senator does a great deal of good by interposing an objection in such cases.

Mr. GALLINGER and Mr. GRONNA. Regular order!

The PRESIDING OFFICER. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Page	Sutherland
Borah	James	Perkins	Swanson
Bryan	Jones	Pittman	Thomas
Burton	Kern	Reed	Thornton
Chamberlain	Lane	Robinson	Townsend
Clapp	Lodge	Sheppard	Vardaman
Clark, Wyo.	McLean	Simmons	Walsh
Culberson	Martine, N. J.	Smith, Ariz.	White
Dillingham	Nelson	Smith, Ga.	Williams
Fletcher	O'Gorman	Smith, S. C.	
Gallinger	Oliver	Smoot	
Gronna	Overman	Sterling	

Mr. MARTINE of New Jersey. I was requested to state regarding the Senator from West Virginia [Mr. CHILTON] that he is absent on public business and is paired with the Senator from New Mexico [Mr. FALL] on all questions.

Mr. THORNTON. I was requested to announce the necessary absence of the Senator from Virginia [Mr. MARTIN] on account of illness in his family, and also to announce that he is paired with the Senator from Illinois [Mr. SHERMAN].

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH], who is absent from the city, is paired with the junior Senator from Missouri [Mr. REED] on all votes. This announcement may stand for the day.

Mr. CLARK of Wyoming. I wish to announce the unavoidable absence from the city of my colleague [Mr. WARREN]. He has a general pair with the Senator from Florida [Mr. FLETCHER]. I will allow this announcement to stand for the day.

Mr. LODGE. I desire to announce that my colleague [Mr. WEEKS], who is absent from the Senate, has a general pair with the Senator from Kentucky [Mr. JAMES]. I will allow this announcement to stand for the day.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators and Mr. HOLLES, Mr. McCUMBER, Mr. POMERENE, and Mr. SAULSBURY answered to their names when called.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present and the Senate resumes the consideration of the unfinished business, House bill 6060.

#### REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Colorado [Mr. THOMAS].

Mr. LODGE obtained the floor.

Mr. OVERMAN. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. For what purpose?

Mr. OVERMAN. To report from the Committee on Appropriations the urgent deficiency appropriation bill.

Mr. LODGE. That is out of order at this time.

Mr. OVERMAN. I desire to submit the report by unanimous consent.

The PRESIDING OFFICER. Under clause 2 of Rule VII it is made the duty of the Chair to enforce the rule without having his attention directed to it. There is a specific provision in the rule which prevents the presentation of the report at this time. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, I have no thought of making an argument in regard to the illiteracy test. I have said my say and made my argument on that subject so many times that I have no intention of repeating it. I think it would weary the Senate to have me repeat it, and I am sure it would weary me.

Nor do I intend to go into a discussion of the arguments which have been made against the test. Speaking, however, from considerable familiarity with those arguments, extending over many years, I think I may say that I have never heard them better put than during this debate or with more force or with more apparent pathos. To the philosophic observer with a sense of humor there is something very interesting in listening to the eulogies on ignorance and illiteracy which we have heard so eloquently delivered in the Senate during the last few days.

If there is anything which is more characteristic of the American people than another it is their devotion to the cause of education. We believe in the importance of education almost to the point of being superstitious about it. There is no limit to the money which is given from the public treasury by States, municipalities, and the Nation for the cause of education. There is no limit to the amount of benefaction which is poured out for education from private sources. We believe that education is important to intelligent citizenship. That is one of the great fundamental beliefs of the American people.

I believe there are only five States in which we have not compulsory education. In many States of the Union it is a provision of the constitution that an American citizen can not vote unless he is able to read and write. We do not hesitate to put that test on the American citizen, but we seem to shrink from applying it to the foreigner coming to the country.

Mr. President, it seems to me that some of these arguments carried to their logical conclusion, as I have listened to them here with great interest, would mean that we ought to find out who could read and write and then to exclude those who were possessed of those accomplishments. That is where some of them lead. We are told that all the anarchists who come here can read and write, and from that there seems to be a hasty conclusion drawn that because anarchists generally can read and write therefore people who can read and write are generally anarchists, which is rather a broad jump in argument. In the same way we are told that most of the criminals can read and write. It is difficult to conceive that because criminals can read and write therefore most persons who can read and write are criminals.

Mr. President, though it is interesting to notice this contrast between our opinion of education as applied to our own people and our opinion of education as applied to foreigners, the fact is that the real argument is rarely made. It has been made once in this debate. It was made by the Senator from New York [Mr. O'GORMAN] with his usual force and effectiveness when he said that the passage of this illiteracy test would cost votes. That is a real argument. I do not think it is an argument that affects the merits of the question, but it is a real and not a mock argument. There is something to be said upon this point on both sides. It is erroneous, in my judgment, to suppose that the mass of the American people object to the literacy test. I think it is shown by their constitutions and their laws that they do not. But I do not think we ought to decide this question quite in that way by our guesses at the number of votes involved. I think the question ought to be decided on its merits.

As I have said, I am not going to argue the details of the provision at all, but simply state what the purpose of it is. Hitherto our immigration legislation has been altogether selective. We have had no restrictive legislation at all. The restriction caused by our selective legislation has been merely incidental. There has been a very widespread desire in this country, evidenced by the action of the great labor organiza-

tions, farmers' organizations, and many leagues formed for the promotion of the restriction of immigration, in favor of restricting immigration.

Those who are opposed to all restriction of immigration ought to vote against the illiteracy test, for it is a restrictive measure. It is not put in on the theory of keeping out a criminal or an anarchist. That has nothing to do with it. The law provides against the admission of those persons in other clauses specifically. The object of the literacy test is to restrict the amount of immigration coming to this country.

I shall not rehearse the argument so ably and completely made by the Senator from Vermont [Mr. DILLINGHAM] and others on the need of restriction. It was shown by the protracted investigation of the Immigration Commission generally to be wise on economic grounds, to speak of no other. But assuming for the moment that restriction is desirable, the next thing is to adopt a method of restriction which shall exclude as many undesirable persons as possible and as few desirable, and no form of restriction can be devised which will exclude only undesirable and admit only desirable.

That is out of the question. The purpose to be attained, as I have said, is the one that will exclude as nearly as possible the undesirable and as few as possible who are desirable. After years of investigation by committees of Congress and by commissions, one after another, after many investigations and after considering every form of restriction suggested, the conclusion has been reached by nearly all competent investigators that the illiteracy test restricts immigration with as small a loss of desirable immigrants as possible and with as large an exclusion of undesirable immigrants as can be practically attained. The investigations show very clearly that the tendency of the illiterates over the literates to congest in the large cities of the eastern coast is very marked. That is but one of the many reasons which have led to the adoption of this test. The proof of the lowering of the American standards of life and wages is furnished by the report of the Immigration Commission. That is another great economic argument for restriction. I think in voting on the test it should be kept in mind that its intention is restrictive; that it is not aimed to keep immigrants out because they are ignorant and illiterate simply, but because ignorance and illiteracy give, on the whole, the best test for the restriction of the most undesirable immigrants.

It is proposed to amend the bill in the clause which carries the test. This amendment, Mr. President, would in large measure destroy the value of the illiteracy test. In my opinion it would be better to take the test out of the bill altogether if the Senate is against any measure of restriction than to put in an amendment of this sort. This amendment at once, by its very phraseology, produces most serious inequalities in the law. It says that the persecution is to "be evidenced by overt acts or by discriminatory laws or regulations."

In the Turkish Empire—what remains of it—there is a strong religious discrimination, which takes effect at intervals in the killing of Christians. The Armenian massacres of some years ago are familiar, and if there is any country in the world where there is discriminatory legislation leading to religious persecution it is within the borders of the Turkish Empire. This, therefore, would relieve Armenians and Syrians and people from Asia Minor from the illiteracy test, but it would impose it upon the people of Italy, where, I understand there is no discriminatory religious legislation of any sort or kind.

The illiteracy test in regard to Great Britain and Ireland is not of consequence, because the percentage of illiteracy is so low that it would exclude practically no immigrants from those countries; but, at the same time, England has an established church. A certain number of the prelates of that church have the right to sit in the upper House of Parliament. That is distinctly discriminatory against all who are not members of the established church—dissenters, Roman Catholics, and others. Therefore this amendment would exempt from the illiteracy test the people of England, and of Wales also, until the church is disestablished there, and would apply it to the people of Ireland and Scotland. This illustrates some of the difficulties that would come from a law framed in that way. You would relieve certain nations and certain races from your illiteracy test, and you would apply it to others. You would make it unequal; you would come in conflict, I am rather inclined to think, with the favored-nation clause in principle, if not literally.

As to political persecution, that is extremely vague. We have tried to take care of that in a general provision of the proposed law, but this amendment to the illiteracy clause in the bill as it is framed would be worse than destructive of the test as it stands in the House bill. It would partially destroy it;



it would leave it in force against certain nations and remove it from others.

Therefore I think, Mr. President, that this amendment ought to be defeated. If the Senate then comes to the main question according as they believe that restriction of immigration is necessary or unnecessary, whether, by the result of investigation or otherwise, this is the best method of restriction or not, they should determine whether to leave the clause in the bill or to take it out. If it is to stay in the bill, it ought to stay there in substantially the form in which it is now there. If it is to be taken out, it had better be taken out altogether than to put in an amendment of this kind, which can only lead to all sorts of complications, which would create a law that would fall unequally, which could never be justly enforced, and which would give to some, at least, of the undesirable forms of immigration a chance to come in while it excluded some of the desirable forms which we want to admit.

This is all, Mr. President, that I desire to say. There is no use of entering into any general argument; but I wish to record my opposition to this amendment, and then, after the Senate dispose of that, I hope they will dispose of the main question.

Mr. THOMAS. Mr. President, the central idea which I had in mind when I consented to introduce this amendment, on which occasion I made the statement that it was prepared by another, was to extend the exemption from the literacy test to those who sought asylum in America as a refuge from persecution. I did so because I then believed, and am now confirmed in the belief, that the exemption reported by the committee is not broad enough to cover all cases of persecution or to accord with what I understand to have been the national policy upon this subject ever since the origin of the Government. I can conceive of no reason which justifies an exemption for those who desire to come here in order to escape religious persecution which is not equally applicable to those who are the victims of political or racial persecution, which is quite as intolerable as and sometimes more cruel than religious persecution.

I believe thoroughly in a literacy test, provided one can be secured which is consistent with the right of asylum to all peoples except those which are specifically excluded for other reasons. The Senator from South Carolina [Mr. SMITH], having charge of the bill, has said that if this amendment is adopted it virtually destroys the force and the efficacy of the literacy test. I am not prepared to accept that statement; but if it is true it is the strongest argument that has been uttered upon this floor against the inclusion in the bill of any such test whatever, for I deny, Mr. President, that there can be any consistency whatever or any justice in a regulation which gives exemption to the object of religious persecution, but denies it to the object of political or racial persecution. It is persecution that we desire to exempt from the operation of this clause, whether it be of a religious or of a political character, and when we begin to discriminate between the bases or causes of persecution in the application of a national doctrine we establish a condition that is absolutely foreign to what I have always understood to be the purpose and the policy of this Government with reference to immigration.

But the criticisms which have just been made by the Senator from Massachusetts [Mr. LODGE] of the concluding paragraph of the amendment are of great force. I have been impressed from the inception of this debate with the general character and consequently the general scope of the exemption which would be created by that clause if it were enacted into legislation. I can perceive very clearly that, as the Senator says, it would operate as an exemption of some nations or races as an entirety, while the restrictive clause would be equally universal as applied to others, and, as a consequence, I hesitate, Mr. President, to give my assent to that clause, although it is a part of the amendment which I have offered. At one time I suggested its withdrawal, but I did not insist upon the suggestion for the reason that another Senator requested that it should not be pressed.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I yield.

Mr. GALLINGER. I have been giving more or less study to this amendment, as I desire to vote for as liberal a provision as is consistent, and I listened with interest to the statement made by the Senator from Massachusetts. I will ask the Senator from Colorado if he does not think it will be quite an advance—and perhaps cover the matter sufficiently—if the Senator simply adds the words "or political" to the provision in the bill as it came from the House of Representatives, so as to read "religious or political persecution"?

Mr. THOMAS. Mr. President, perhaps the Senator is not aware of the fact that I have accepted two additions which have been suggested to the amendment as I sent it to the Secretary's desk. It now reads:

That the following classes of persons—

Then comes an amendment—

when otherwise qualified for admission under the laws of the United States shall be exempt—

And so forth. The other amendment which I have accepted is the insertion of the words "of racial" after the word "political," on the first line of the second page.

Personally I should be satisfied with this amendment as amended, with the excision of its last clause, which, as I have said, is subject to the criticism which has been made of it so ably and incisively by the Senator from Massachusetts.

Mr. REED. Will the Senator read the last clause to which he has just referred?

Mr. THOMAS. It reads:

Whether such persecution be evidenced by overt acts or by discriminatory laws or regulations.

I was going to add, however, that I shall not ask to have that part of the amendment withdrawn; but, in the event the amendment in its present condition is not adopted, then I shall offer it again with the amendments that have been accepted to it and with the exclusion of the clause which I have just read.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SUTHERLAND. I should like to have the amendment stated as it is now perfected.

The PRESIDING OFFICER. The Secretary will state the amendment for the information of the Senate.

The SECRETARY. On page 9, beginning in line 6, it is proposed to strike out:

That the following classes of persons shall be exempt from the operation of the literacy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious persecution.

And in lieu thereof to insert:

That the following classes of persons, when otherwise qualified for admission under the laws of the United States, shall be exempt from the operation of the literacy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious, political, or racial persecution, whether such persecution be evidenced by overt acts or by discriminatory laws or regulations.

Mr. LEWIS. Mr. President, a parliamentary inquiry. May I ask, where a section has an amendment addressed to it and also a motion to strike out the whole section, which takes precedence—the motion to strike out the whole section or an amendment of the section?

The PRESIDING OFFICER. The text must be perfected before the motion to strike out is in order under general parliamentary law. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. In his absence I withhold my vote. If permitted to vote, I should vote nay.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent from the Senate and also from the city. He is paired with the junior Senator from Kentucky [Mr. CAMDEN].

Mr. SAULSBURY (when the name of Mr. MARTIN of Virginia was called). I have been requested to announce the necessary absence of the senior Senator from Virginia [Mr. MARTIN] and that he is paired with the senior Senator from Illinois [Mr. SHERMAN]. If present, the Senator from Virginia would vote nay.

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is absent to-day on account of sickness. If he were present, he would vote nay. He has a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], but on this proposition they are agreed, and the senior Senator from Mississippi is therefore at liberty to vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Indiana [Mr. SHIPLEY] and will vote. I vote yea.

Mr. REED (when Mr. STONE's name was called). My colleague [Mr. STONE] is necessarily absent from the Senate on account of the health of members of his family. During his absence he is paired with the senior Senator from Wyoming [Mr. CLARK].

I take this occasion to state, further, that I am paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD] and will allow my vote in the affirmative to stand.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withhold my vote.

Mr. WILLIAMS (when his name was called). In view of the announcement made by the junior Senator from Pennsylvania [Mr. OLIVER], I feel free to vote, notwithstanding my pair with the senior Senator from that State. I vote "nay."

The roll call was concluded.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who has not voted. I therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. CULBERSON (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr. DU PONT], but I understand that he would vote as I have voted on this question. Consequently I will allow my vote to stand.

Mr. FLETCHER (after having voted in the negative). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], who is not present and has not voted. I therefore withdraw my vote.

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the junior Senator from Kansas [Mr. THOMPSON] and will vote. I vote "nay."

Mr. GALLINGER. I have been requested to announce the following pairs:

The junior Senator from Idaho [Mr. BRADY] with the junior Senator from Mississippi [Mr. VARDAMAN];

The junior Senator from New Mexico [Mr. CATRON] with the senior Senator from Oklahoma [Mr. OWEN];

The senior Senator from New Mexico [Mr. FALL] with the senior Senator from West Virginia [Mr. CHILTON]; and

The junior Senator from Illinois [Mr. SHERMAN] with the senior Senator from Virginia [Mr. MARTIN].

I was also requested to state that the junior Senator from Illinois [Mr. SHERMAN] is detained from the Senate on account of illness in his family.

The result was announced—yes 26, nays 34, as follows:

## YEAS—26.

Borah	Lane	Perkins	Smith, Md.
Clapp	Lee, Md.	Pittman	Thomas
Culbertson	Lewis	Pomerene	Thornton
Hitchcock	Martine, N. J.	Ransdell	Townsend
Hughes	Myers	Reed	Walsh
Kern	Norris	Saulsbury	
La Follette	O'Gorman	Shafroth	

## NAYS—34.

Ashurst	Gore	Overman	Smith, S. C.
Brandegee	Hardwick	Page	Smoot
Bristow	James	Polindexter	Sterling
Bryan	Jones	Robinson	Swan, on
Burton	Lippitt	Root	White
Chamberlain	Lodge	Sheppard	Williams
Cummins	McLean	Simmons	Works
Dillingham	Nelson	Smith, Ariz.	
Gallinger	Oliver	Smith, Ga.	

## NOT VOTING—36.

Bankhead	Crawford	Lea, Tenn.	Smith, Mich.
Brady	du Pont	McCumber	Stephenson
Burleigh	Fall	Martin, Va.	Stone
Camden	Fletcher	Newlands	Sutherland
Catron	Goff	Owen	Thompson
Chilton	Gronna	Penrose	Tillman
Clark, Wyo.	Hollis	Sherman	Vardaman
Clarke, Ark.	Johnson	Shields	Warren
Colt	Kenyon	Shively	Weeks

So Mr. THOMAS's amendment was rejected.

Mr. OVERMAN. Mr. President, I will ask the chairman of the committee to yield in order to allow me to ask unanimous consent of the Senate to report what is known as the urgent deficiency appropriation bill.

Mr. SMITH of Georgia. I object, Mr. President. The trouble is that if reports are allowed—

Mr. GALLINGER and other Senators. Regular order!

The PRESIDING OFFICER. The regular order is called for. Nothing is in order at present but the pending bill.

Mr. THOMAS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Senator from Colorado offers the amendment just voted upon, with the exception that the words at the end thereof—

whether such persecution be evidenced by overt acts or by discriminatory laws or regulations—

are stricken therefrom, so that the amendment now reads:

On page 9, lines 6 to 12, strike out the words in the House bill and in lieu thereof insert:

"That the following classes of persons, when otherwise qualified for admission under the laws of the United States, shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious, political, or racial persecution."

Mr. THOMAS. Mr. President, the amendment as now presented is the amendment upon which the Senate has just taken a vote, except that the last clause, objections to which were so forcibly presented during the discussion of the amendment itself, is eliminated.

I have only to say to the Senate that if it is our sincere purpose to permit those who are suffering from persecution to avail themselves of an exemption clause to the literacy test, it would seem that consistency and justice require that whatever the cause of the persecution, whether it be religious or political or racial, or any two of them, or the three of them combined, the fact of the persecution itself should be the test of the application of the exemption, and not the basis of that test. Now, if we are going to be consistent, and if America is still to be the asylum of those who seek its shores as a refuge from persecution, then the amendment as presented should be accepted by the Senate.

Mr. REED. Mr. President, I shall detain the Senate only long enough to state a proposition.

The bill as reported provides—

That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officers or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious persecution.

To that is added, by the amendment, words which would include those who are fleeing from political persecution or racial persecution.

Mr. President, either the clause in the bill ought to be stricken out or this amendment should be adopted, in my humble judgment. I say that for this reason: As far as my knowledge extends, there is not a single country that in modern times has boldly started upon a policy of religious persecution. They have not said, "We are attacking these inhabitants of our country because of their religion." That has been the real cause, undoubtedly, but always the governmental authorities have assigned some other cause. So when an immigrant is required to show that he is fleeing to escape religious persecution, if he is limited to strict and technical proof, he can not make it. If you do not adopt this amendment, you ought bravely and frankly to strike out the language of the bill itself and not pretend to be granting asylum to those who seek to escape religious persecution, well knowing at the time that probably not a single man can prove himself absolutely within that exemption.

What man in the Senate can point to a single instance in modern times when any Government has by law persecuted any class of people for religion's sake? Nevertheless, we know that in many instances they have been persecuted because they are of a certain religion, but the law of the country does not say so, and the authorities of the country proceed upon some other pretense.

Now, let us either be brave enough to strike out of the bill language that means nothing for practical purposes and say to all the world, "We close the door in the face of those who flee to escape persecution," or else let us pass an amendment that will permit these creatures to come in.

I have one further observation. We are taking a step here to-day, if we repudiate this amendment, that is a repudiation of the whole course of American history. We propose, if we repudiate this amendment, to close the doors of this country to those men who seek asylum from political persecution. We propose to say to the immigrant who may be fleeing here for his life from an oppressor who may conquer his country within the next few months—aye, who may have already conquered his country—"You shall go back to your death, to the land where it awaits you, for no other crime than a political crime." That is a reversal of American policy for a century. It is a reversal of all our precedents, all our customs, all our pretensions, and it is a policy that is, in my opinion, unworthy of the American people.



The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. THOMAS].

Mr. LODGE. Mr. President, when I spoke briefly in regard to the amendment then pending I was not aware that the word "racial" had been inserted. Otherwise I should have said something about that. The word "racial" loosens the provision more even than "discriminatory laws." It produces the same inequality. We want to be very careful before we insert that word in our legislation. It would not be difficult for the Hindus to show that they were subjected, some of them, as they think, to racial persecution and that they were discriminated against. The Senate wants to be extremely careful before it loosens the provision in that way.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. THOMAS].

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my general pair with the senior Senator from Missouri [Mr. STONE], who is necessarily absent, and withhold my vote.

Mr. CRAWFORD (when his name was called). I again announce my general pair with the senior Senator from Tennessee [Mr. LEA], who is absent, and withhold my vote.

Mr. CULBERSON (when his name was called). With the same statement regarding my pair and its transfer that I previously made, I vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. GRONNA (when his name was called). I again announce my pair with the senior Senator from Maine [Mr. JOHNSON]. As he is absent, I withhold my vote.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH].

Mr. JAMES (when his name was called). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent from the city. He is paired with the junior Senator from Kentucky [Mr. CAMDEN]. I make this announcement for the day.

Mr. OLIVER (when Mr. PENROSE's name was called). I make the same announcement with regard to my colleague [Mr. PENROSE] as on the former vote. If my colleague were present, he would vote "nay."

Mr. WALSH (when Mr. SAULSBURY's name was called). The Senator from Delaware [Mr. SAULSBURY] has just been called from the Chamber and will be unable to be present during the remainder of the vote. He is paired with the Senator from Rhode Island [Mr. COLT]. If the Senator from Delaware were present and entitled to vote, he would vote "yea."

Mr. WILLIAMS (when his name was called). I repeat the announcement made on the previous vote and add to it that since that time a telegram has been received from the Senator from Pennsylvania [Mr. PENROSE] which relieves me from my pair on this question. I vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. I again announce my pair with the Senator from Arkansas [Mr. CLARKE], which I transfer to the Senator from Pennsylvania [Mr. PENROSE], and vote. I vote "nay."

Mr. FLETCHER. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. GRONNA. When my name was called and I announced my pair with the senior Senator from Maine [Mr. JOHNSON] I did not feel that I was at liberty to vote. I am informed that if present he would vote "nay," and I will therefore vote. I vote "nay."

Mr. REED (after having voted in the affirmative). Before the result is announced I desire to state that I will allow my vote to stand, but I announce the same transfer of my pair as on the previous vote.

The result was announced—yeas 26, nays 38, as follows:

## YEAS—26.

Borah	La Follette	O'Gorman	Smith, Md.
Chamberlain	Lane	Perkins	Thomas
Clapp	Lee, Md.	Pittman	Thornton
Culbertson	Lewis	Pomerene	Townsend
Hitchcock	Martine, N. J.	Ransdell	Walsh
Hughes	Myers	Reed	
Kern	Norris	Shafroth	

## NAYS—38.

Ashurst	Gronna	Overman	Smoot
Brandagee	Hardwick	Page	Sterling
Bristow	James	Polindexter	Sutherland
Bryan	Jones	Robinson	Swanson
Burton	Lippitt	Roor	Vardaman
Cummins	Lodge	Sheppard	White
Dillingham	McCumber	Simmons	Williams
Fletcher	McLean	Smith, Ariz.	Works
Gallinger	Nelson	Smith, Ga.	
Gore	Oliver	Smith, S. C.	

## NOT VOTING—32.

Bankhead	Colt	Lea, Tenn.	Shively
Brady	Crawford	Martin, Va.	Smith, Mich.
Burleigh	du Pont	Newlands	Stephenson
Camden	Fall	Owen	Stone
Catron	Goff	Penrose	Thompson
Chilton	Hollis	Saulsbury	Tillman
Clark, Wyo.	Johnson	Sherman	Warren
Clarke, Ark.	Kenyon	Shields	Weeks

So Mr. THOMAS's amendment was rejected.

Mr. O'GORMAN. I move as an amendment that the words "or political" be inserted after the word "religious" on the twelfth line of the ninth page of the bill.

Mr. TOWNSEND. So as to read how?

Mr. O'GORMAN. So as to read:

All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious or political persecution.

It omits the racial exemption which has just been voted down by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. O'GORMAN].

Mr. O'GORMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Repeating the announcement of my pair heretofore made, I withhold my vote.

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and withhold my vote.

Mr. CULBERSON (when his name was called). Making the same statement as previously, I vote "yea."

Mr. FLETCHER (when his name was called). Announcing the transfer of my pair as before, I vote "nay."

Mr. GRONNA (when his name was called). I again announce my pair with the senior Senator from Maine [Mr. JOHNSON] and withhold my vote.

Mr. HOLLIS (when his name was called). I again announce my pair as before.

Mr. JAMES (when his name was called). Making the same transfer as on the former roll call, I vote "nay."

Mr. REED (when his name was called). I make the same transfer as before and vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. I make the same transfer of my pair with the Senator from Arkansas [Mr. CLARKE] that I made on the preceding vote and vote "nay."

Mr. WALSH. As heretofore announced, the Senator from Delaware [Mr. SAULSBURY] is necessarily absent. He is paired with the Senator from Rhode Island [Mr. COLT]. If the Senator from Delaware were present and at liberty to vote, he would vote "yea."

The result was announced—yeas 28, nays 33, as follows:

## YEAS—28.

Borah	Hughes	Martine, N. J.	Reed
Brandagee	Kern	Myers	Shafroth
Chamberlain	La Follette	Norris	Smith, Md.
Clapp	Lane	O'Gorman	Thomas
Culbertson	Lee, Md.	Perkins	Thornton
Gallinger	Lewis	Pomerene	Townsend
Hitchcock	McLean	Ransdell	Walsh

## NAYS—33.

Ashurst	James	Robinson	Sutherland
Bristow	Jones	Roor	Swanson
Bryan	Lippitt	Sheppard	Vardaman
Burton	Lodge	Simmons	White
Cummins	McCumber	Smith, Ariz.	Williams
Dillingham	Nelson	Smith, Ga.	Works
Fletcher	Oliver	Smith, S. C.	
Gore	Overman	Smoot	
Hardwick	Polindexter	Sterling	

## NOT VOTING—35.

Bankhead	Crawford	Martin, Va.	Shively
Brady	du Pont	Newlands	Smith, Mich.
Burleigh	Fall	Owen	Stephenson
Camden	Goff	Page	Stone
Catron	Gronna	Penrose	Thompson
Chilton	Hollis	Pittman	Tillman
Clark, Wyo.	Johnson	Saulsbury	Warren
Clarke, Ark.	Kenyon	Sherman	Weeks
Colt	Lea, Tenn.	Shields	

So Mr. O'GORMAN's amendment was rejected.

Mr. MARTINE of New Jersey. On December 17 I gave notice that I would offer an amendment, and I propose it now. While it has been practically voted on several times this morning, it has been coupled with other conditions. The amendment that I offer is stripped of all other conditions except to strike out lines 10, 11, and 12, and in line 13 the word "Provided."

The PRESIDING OFFICER. The Secretary will state the amendment for the information of the Senate.

The SECRETARY. On page 8, commencing with line 10, it is proposed to strike out the following words:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*.

Mr. MARTINE of New Jersey. On that I ask for the yeas and nays.

Mr. LODGE. I merely want to call attention to the fact that the amendment strikes out the literacy test, but leaves in all the machinery for it.

Mr. LEWIS. Mr. President, I merely desire to say that the motion I made to strike out from the section is very similar to that presented by the Senator from New Jersey, and I desire to inform the Senate that the motion of the Senator from New Jersey I will accept as likewise providing for the amendment I intended to offer, and thus avoid the necessity of having another vote upon my amendment.

Mr. SMITH of South Carolina. I should like to call the attention of the Senator from New Jersey to the fact that the amendment proposed by him simply strikes out the clause known as the literacy test and leaves all the balance of the section and all the machinery untouched.

Mr. MARTINE of New Jersey. I am very well satisfied that the temper of the Senate will strike out everything in that direction, and so I am quite willing to let it go. If you strike out the words I propose to eliminate, I do not care how much machinery you have left in the bill.

The PRESIDING OFFICER. The Senator from New Jersey demands the yeas and nays upon agreeing to his amendment.

The yeas and nays were ordered.

Mr. TOWNSEND. Mr. President, as I understand, this proposition is to strike out the literacy test. That is the object of the Senator from New Jersey in offering it?

Mr. MARTINE of New Jersey. Yes, sir; that is my purpose.

Mr. TOWNSEND. I can not support an amendment which has for its object the elimination of the literacy test. I have voted in favor of the amendments offered by the Senator from Colorado [Mr. THOMAS] and the Senator from New York [Mr. O'GORMAN], because they stated a principle with which I am in accord, a principle which has been observed by our Government since its creation, namely, that this land may be the home of those moral, healthy, normal men and women, without regard to their education, who have fled here from their native countries to escape religious or political persecution. Our forefathers belonged to that class. The bill recognizes the justice of making an exception in behalf of victims of religious persecution, and I can see no reasons which plead for them that are not equally effective in behalf of political or racial refugees from persecution. I believe in restricting immigration. We have been receiving more immigrants than we have beneficially assimilated. The literacy test will not insure all desirable immigrants; it will not exclude all undesirable aliens; but with the other qualifications included in the bill it will lessen materially the number of immigrants who are undesirable.

I shall not discuss the harmful effects of our immigration upon American labor. That phase of the subject has been fully presented. Indeed, I shall not attempt to make any argument, but desire simply to enter my protest against much of the alleged argument offered by the opponents of the educational test for the admission of aliens. Why, ignorance has been lauded as the virtue and education as the disability. It would almost seem that some Senators would prefer that the prohibition be against those who could read and write rather than against the illiterate.

The corner stone of our Republic is education. The fundamental law of every State provides for free schools. Compulsory educational laws are forced upon our people. We believe in education and that the Republic can only exist permanently in the hands of an educated electorate. The fathers, when they provided for free schools, were working not for present political favors, were governed not by temporary expedients, but were looking far ahead and building for the future.

This Republic is but an experiment. Its success depends upon the character and the intelligence of the men and women who form and constitute it.

More and more the people are coming into the actual exercise of the powers of government. The direct primary, the initiative

and referendum are being demanded, if not by the people at least by the politicians. Can an illiterate man know as well as the literate one? Is it safe to trust the functions of government, including the making and repealing of laws, to foreigners who can not read those laws, but who must rely upon another for information and advice? Ignorance in the hands of immoral intelligence is a menace to the Republic.

Just in proportion as the powers of government are assumed by the people just in that proportion ought the educational test to be raised. I realize, of course, that the admitted immigrant does not, by virtue of his admission, become entitled to the elective franchise, but to all practical purposes he does. I want to raise the standard of citizenship, and I believe, as I always have believed, that education, like righteousness, exalteth a nation.

I believe that the literacy test in the bill will not be as beneficial to our people as its proponents claim; neither will it work the hardships predicted by its opponents; but it is a recognition of the principle of civilization and progress, and, therefore, I can not vote to eliminate it.

Mr. THORNTON. Mr. President, I shall vote for the literacy section of the bill which has been previously approved by both Houses of Congress, because I believe that the indiscriminate immigration that has been coming to this country during the last 10 or 15 years should be restricted until we can better assimilate or Americanize those who have come in such large numbers in the time I have mentioned.

Therefore, believing that the best interests of this country demand a restriction of foreign immigration, I am in favor of the literacy test, because that operates as a restriction to some extent, and I think the restriction can properly be applied to illiterates.

It is true that illiteracy does not necessarily imply lack of morality or the desire to be a lawbreaker.

It is also true that illiteracy naturally tends to prevent a foreigner from acquiring a proper conception of American institutions as soon as a literate could acquire it.

It is also true that the illiterates on account of their ignorance can be more easily influenced in the direction of lawlessness by designing men, and also more readily influenced by political demagogues.

Everyone who has looked into the matter of this large foreign immigration during the time I have mentioned knows, or ought to know, that the two principal causes inducing it were the efforts of foreign steamship companies and the American employers of cheap labor, each working for their own selfish interests.

I am aware that this country is largely indebted for its development to the immigration that came here from Europe in former times; but that was an immigration of a different nature from the immigration which has been largely coming of late years, and devoted itself to other pursuits than the present kind of immigration does.

The fact that in former times and under different conditions in this country unrestricted immigration was permitted is no argument in favor of permitting unrestricted immigration now.

While I feel a natural sympathy for aliens who hope to better their condition by coming to this country, I do not recognize that this country is under any obligation to admit foreigners to its privileges just because these foreigners wish to enjoy those privileges.

Still less is this country under any obligation to admit them if their admittance might have a tendency to injuriously affect the well-being of her own citizens.

I consider that my first duty is to my own country, and I propose to discharge it according to my best judgment, without regard to the possible political effect on myself or on the party with which I am identified.

I regret that the amendments to the literacy test which have been voted on this morning have been defeated by the Senate. They were amendments for which I voted and for which I stand. Nevertheless, because they have been voted down is no reason why I should be justified in voting against the literacy test which, in my judgment, embodies generally a wise provision of law. Especially is this so when the sentiment of the Senate very clearly shows that the literacy test will be sustained, no matter whether I vote against it or for it.

I also feel some comfort in the fact that, in my judgment, the Jews in those countries of Europe for whom this amendment was particularly intended will not, after the conclusion of the present European war, suffer the persecution in the future which they have suffered in the past, no matter what side may be victorious at its termination.

Mr. CLAPP. Mr. President, this debate, like many another, has drifted far wide of the real merits of the controversy.



This bill as it passed the other House contained what has been called a literacy test. At the same time, by excepting those who come here on account of religious persecution it plainly recognized the asylum principle in our immigration laws. It placed among the other tests literacy, and then provided that aliens coming here might be exempt from that test if they could prove to the satisfaction of certain officers that they had come here on account of religious persecution. There we have the retention of the literacy test, the recognition of the asylum principle, and the extension of that exemption to a particular race.

I have voted this morning for certain amendments not to enlarge this exemption, but as I pointed out yesterday to make this exemption plain, so that there might be no question of what it meant. Having done my utmost to make this exemption plain, and being unable to make it any plainer than it is, and the bill clearly recognizing the principle of asylum extended to this particular people who come from other lands where they have no voice in their government, I could not, of course, vote for the proposed amendment to strike out the so-called literacy test. I do not believe it is the ultima Thule test of citizenship. On the other hand, we ought to encourage education and discourage illiteracy. I believe this bill is the happy medium in placing the literacy test in the law and at the same time recognizing that the principle of asylum must still prevail in our immigration laws, only I regret that the exemption might not have been put in terms so plain as to lead to no confusion, as I urged yesterday.

Mr. LANE. Mr. President, I am going to vote against the amendment offered by the Senator from New Jersey for the reason that I am of the opinion that large numbers of laboring men are brought into this country for the sole purpose of beating down the price paid to laborers already here; in other words, that American labor is suffering from a competition which is not a natural one, and that, through the means mentioned by the Senator from Georgia [Mr. HARDWICK] yesterday of flaring circulars and false inducements presented to ignorant people in Europe, they are brought here by interested persons, steamship companies perhaps, and passed on into the hands of large interests which use them, the one against the other, to beat down the price of labor, and afterwards prevent them from combining the one with the other to better their own condition. Believing that the literacy test, which in itself amounts to but little and may be avoided I suspect, is partly a safeguard—for that reason and for no other—I am going to vote against the amendment. I believe that in fairness we owe it to the people of this country to allow them to have a fair opportunity with an equal chance to earn a living for themselves and their families.

I noticed in the remarks of the junior Senator from Georgia yesterday his rather severe strictures upon certain immigrants who had been brought into this country and finally landed in the factory cities of Massachusetts or some other part of New England, and then had been confronted with conditions entirely different from those which had been represented to them before they came. They had been buncoed, as I presume they realized, and they resented the country and its representatives, became a menace, made trouble, and we had a riot and quite an industrial war in consequence.

Away back, early in history, before we had handed to us the Ten Commandments, in the days of Rameses the Great, the mouthpiece of the Almighty, Moses, who was a Jew born and living in Egypt, resented the unbearable conditions which were visited on his people, the people some of whose interests are at stake even in this bill to-day. When he found an Egyptian boss abusing another Jew he slew him. He was the first striker on record who used violence. Striking workmen have not gone further to-day. The contest has been going on from the earliest days of mankind; and this country itself, with all its boasted liberty, which has been appealed to so eloquently here, and the fear expressed that we were about to depart from our ancient glory, has always fattened itself upon every bit of cheap labor that could be brought in and rode upon its back free if it could do so. I think the time has come when we ought to take proper safeguards in the interest of the people here, without undue injustice or undue discrimination against the people of any other country; but we first owe a duty to our own people, and believing that they are not getting what they should get under the present law, I am going to vote against this amendment.

Mr. MARTINE of New Jersey. Mr. President, I regret very much that my distinguished friend from Oregon [Mr. LANE] can not stand with me on this matter. However, I am thoroughly satisfied that he is prompted by conscientious motives, as are many of the Senators on the other side.

Mr. SMITH of Georgia. All of them.

Mr. MARTINE of New Jersey. Well, all of them, including the men from the South, probably for a reason which I do not choose to tell but which in my mind I think I know. I am satisfied there is a preconceived effort on the part of certain great organizations to flood the Senate and Senators with arguments against this proposal. I am willing to believe that they, too, are conscientious.

I have received hundreds of circulars from various organizations, such as the Junior Order of American Mechanics, who are a splendid lot of men; the Sons of Washington, who are patriotic Americans; and a myriad of others, urging that I vote for a literacy test; and yet, from my knowledge of these men and the societies, 90 per cent—yes, I believe nearly 90 per cent—of them came from parents who landed in this country from foreign shores and were in the major part unable to read or write. I answered them, and I answer Senators here to-day, that I am willing to believe you are probably as charitable in your views as I am myself; I believe you are prompted by patriotic motives; but I say you are pursuing a most mistaken, dangerous, un-American, uncharitable, and un-Christian policy. Even though I may be the only one to vote for this amendment, I shall stand here and vote "yea" with all the earnestness of my nature.

Mr. LANE. Mr. President, I will say but a few words in reply to my distinguished friend from New Jersey, whom I very highly regard, and for whose motives I always entertain the highest degree of respect. He always votes as he honestly believes he ought to vote, and I respect him; but the conditions which existed here in the early days, when the country was new, when its resources were untouched, when there were boundless plains and prairies and millions upon millions of acres of timberland and wheat land for people to go upon and make a living, were vastly different from the conditions prevailing to-day, when the great natural resources of the country have gone, in the majority of instances, into the hands of a few. Now labor is being imported from all over the world, wherever it can be reached or the law permits, to be brought into this country. It is being brought in by insidious methods and by false promises, and immigrant laborers are pitted one against the other to bring down the standard of living to the American citizen to the lowest possible notch. That is what I am voting against.

Mr. REED. Mr. President, I want to call the attention of the Senate and of the Senator who has just concluded his remarks to the fact that this amendment which is now proposed does not at all affect the question of contract labor or of the methods that have been employed in the past to bring labor into this country through advertisements and inducements.

I think there is not a man in the Senate who is not opposed to contract labor. That is already prohibited by law; and this bill strengthens that law, and to that extent I am heartily in accord with the bill. Moreover, this bill makes it a crime to send out advertisements and to do the things to which the Senator has referred. That is all prohibited in other clauses of the bill; and if the bill is passed without the literacy test, nevertheless the law will then prohibit all advertisements, all inducements, all contracts, and all of those evil methods which have heretofore been employed and which have resulted in bringing large numbers of people here to be really victimized. So that that question is taken care of in another part of the bill.

Now, Mr. President, I send to the desk and ask unanimous consent to have read an address upon this bill which is of an exceedingly illuminating character which was made by an eminent lawyer of New York, Mr. Marshall, and which I think contains much that is worthy of consideration.

Mr. WILLIAMS. How long is it?

Mr. REED. It is not very long.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. SMITH of South Carolina. Mr. President, in view of the fact that the address can be printed as well, I object.

Mr. REED. Then, Mr. President, I will ask to have the address returned to me.

Mr. THOMAS. I should like to inquire what the date of the letter is.

Mr. REED. It is not a letter. It is an address that was delivered only a few weeks ago.

Mr. THOMAS. The purpose of my inquiry was to ascertain whether it was not a letter which I had already offered, and which is now in the Record.

Mr. REED. No; it is not a letter. Of course, if the Senator objects to its being read from the desk, I can read it. I am a pretty good reader.

Mr. O'GORMAN. Mr. President, I move that the Senate order the reading of the address by the Secretary.

The PRESIDING OFFICER. Under the rule the motion is in order. The question is, Shall the paper be read?

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will read the address.

The Secretary proceeded to read the paper, and having read for some time,

Mr. THOMAS. Mr. President, I should like to ask the Senator from Missouri [Mr. REED], who requested the reading of this document, a question.

The PRESIDING OFFICER. The Senator from Missouri is not in the Chamber.

Mr. BRYAN. He is not present, but the Senator from New York [Mr. O'GORMAN], I have no doubt, can answer the question.

The PRESIDING OFFICER. The Senate has consented to the reading of the paper, and the Secretary will proceed.

The Secretary resumed the reading of the paper, and was interrupted by

Mr. SMITH of South Carolina. I ask unanimous consent that the further reading of the paper be dispensed with.

Mr. SMOOT. I object.

The PRESIDING OFFICER. There is objection, and the Secretary will continue the reading.

The Secretary continued the reading of the paper.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Oliver	Smoot
Borah	James	Overman	Sterling
Brandegee	Jones	Page	Sutherland
Bryan	Kern	Perkins	Swanson
Burton	La Follette	Poinceter	Thomas
Chamberlain	Lane	Ransdell	Thornton
Clapp	Lee, Md.	Reed	Vardaman
Clark, Wyo.	Lewis	Root	Walsh
Culberson	Lippitt	Shafroth	White
Dillingham	Lodge	Sheppard	Williams
Fletcher	McCumber	Simmons	Works
Gallinger	Martine, N. J.	Smith, Ga.	
Gronna	Myers	Smith, Md.	
Hardwick	Norris	Smith, S. C.	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The Secretary will proceed with the reading of the paper.

Mr. REED. I am informed that the Senator from Montana [Mr. WALSH] desires to proceed with the address which he gave notice he would make this morning. I therefore ask that the reading of the paper be discontinued and that the part of it not read be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. HARDWICK. In behalf of the Senator from South Carolina [Mr. SMITH] and in his absence I am compelled to object.

SEVERAL SENATORS. Oh, no!

Mr. HARDWICK. The Senator from South Carolina asked me to object to any request for unanimous consent while this matter is pending.

Mr. REED. This does not displace the bill. I move that the further reading of the address of Mr. Marshall be discontinued and that the entire address be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The paper entire is as follows:

ADDRESS OF LOUIS MARSHALL BEFORE THE NEW YORK UNIVERSITY FORUM FEBRUARY 20, 1914, IN ANSWER TO AN ARGUMENT BEFORE THE SAME FORUM BY SENATOR DILLINGHAM.

Mr. MARSHALL. Prof. Jenks, ladies, and gentlemen, I regret to begin with the apology that I have not had an opportunity to arrange my thoughts in an orderly manner, so as to enable me to present them in a form least disadvantageous to the cause which I am called to advocate. I shall, however, seek, while expressing my views with all fairness, to indicate that there is decidedly another side to the question from that which Senator DILLINGHAM championed here last week. I have the highest regard and respect for him. I know that, as one of the Immigration Commission of which Prof. Jenks was likewise a member, he gave to the subject of immigration the most painstaking study and that the work of that commission was stupendous. The material gathered by it fills 40 huge volumes. I do not pretend to have read them. I have even heard it intimated that the members of the commission have not read them. It is quite possible that Prof. Jenks, with his characteristic industry, has read a substantial part of them. It is certain, however, that if anybody has attempted to read them all, his mind must be in such a state of confusion as to preclude him from possessing a lucid appreciation of their contents. Several commentaries have already been written upon them, one by Prof. Jenks with Mr. Lauck, and another by Dr. Isaac A. Hourwich. Although they agree in some respects they are diametrically opposed in their views as to many of the fundamental propositions which it was expected that this great mass of material would elucidate.

After gathering voluminous statistics the commission was obliged, without adequate opportunity for digesting them, to bring its work to a sudden close and to reach a conclusion in an exceedingly brief period after it had collated the material. It was said by one of the commissioners who filed a dissenting report that he did not even have an opportunity to prepare his report in such form as he desired, because of the short time allotted for that purpose. I do not make these statements by way of criticism, but merely in explanation, and for the purpose of showing how minds fair and free from bias may, starting with the same data, arrive at conclusions which seem to be entirely at war with each other.

The conclusion which the Immigration Commission urged, after making this study, was that there should be such a selection from among the immigrants to this country as would eliminate the undesirable. So far as that conclusion is concerned, there can be no two views. We are all opposed to the admission into this country of those who are undesirable. Our immigration laws now in force, and which have been carefully framed, contain adequate provisions for the exclusion of undesirable. There is no doubt that it is within the constitutional power of Congress to enact a law which will exclude immigrants altogether, not only those who come in the steerage, but also those who sail in the first and second cabins of an ocean liner. There is no doubt but that it is within the competency of Congress to build a Chinese wall around our country, to make of us an isolated and parochial people, in the narrowest sense of the term. Thus far, however, there has been no general tendency manifest in favor of the enactment of exclusion laws, except in the case of the Chinese. Even now there is no direct attempt to bring about the total exclusion of immigrants. There is no doubt that Congress possesses plenary power to regulate immigration in any way that it sees fit and to provide safeguards against the admission of those whose presence here would be injurious to the country. It is on that theory that our present laws exclude those who are apt to become public charges, those who are of bad character, immoral, or of criminal antecedents, those who are insane, those who are physically unfit, those who are opposed to organized government. It is now sought to amend the immigration law so as to exclude militant suffragists. As to whether or not such an amendment is necessary, I express no opinion.

We now reach a point in the process of our national legislation when it is sought to exclude another large class of intending immigrants—those who are illiterate; those who are unable to read in some language or dialect the mystical 25 words which may be submitted for their confusion by the inspector who meets them at Ellis Island or at any of the other of our ports of entry. If they are unable to satisfy the critical ear or the discriminating judgment of the philological inspector, they will be compelled to return whence they came; they are deported from what were once hospitable shores, and the gate of opportunity is slammed in their very faces. However honest, industrious, and worthy they may be, they are transformed into undesirables, and their feet must not touch the soil of the land of the free and the home of the brave.

There has just been passed in the House of Representatives what is known as House bill No. 6060, introduced by Congressman BURKE, of Alabama, a State where but few immigrants have settled. It is intended by this bill to regulate generally the subject of immigration. It is important, for our present consideration, only from the fact that it adopts literacy as the supreme test to determine the desirability of an immigrant. Hence it becomes important to consider whether or not it is right, just, and proper, and in accordance with the best traditions of our Government or consonant with the welfare of our people and of humanity that such a piece of legislation shall be permitted to find a place upon our statute book. This is not the first attempt in that direction. In 1897 a similar restrictive measure was passed by Congress, and President Cleveland, in the last days of his second term, on March 2, 1897, vetoed that bill, because he was opposed to it in principle, and because he deemed it contrary to the noble concepts upon which our Government was founded, one of which was to afford an asylum to all law-abiding men and women who choose to come here to take up their abode, desirous of observing our laws, and eager to become useful members of society. That was the last heard of such legislation until 1906, when it was again agitated. On that occasion the bill which contemplated a literacy test was amended so as to provide for the appointment of the Immigration Commission to which I have already referred, for the purpose of investigating the entire subject in all of its numerous phases. Nothing further was done in relation to such legislation until after the Immigration Commission had reported and had recommended as one of the possible methods of regulating immigration the adoption of a literacy test. Accordingly there was introduced in both Houses of Congress in 1912 what is known as the Dillingham-Burnett bill, which advocated the literacy test, formulated in practically the same terms as those employed in the bill which had been vetoed by President Cleveland in 1897. That bill passed both Houses and came before President Taft, likewise in the last days of his term, so that one of his last official acts was the consideration of this proposed law. After careful examination and study, after hearing elaborate arguments pro and con, he vetoed the bill upon practically the same grounds as those which had been urged against the same measure by President Cleveland, basing his message largely upon a report made to him by Secretary Nagel, then at the head of the Department of Commerce and Labor, himself an immigrant and the son of an immigrant, who demonstrated the fallacy of the contemplated legislation. The bill was then again voted upon in Congress and the President's veto was sustained. Now we are in the early days of a new administration. Again we are confronted by this same specter, and it would seem as though the time had come when it should effectually be laid away and a finality reached with respect to this kind of legislation. It must either be adopted and become a component part of our governmental machinery, a principle in our national life, or it should be so frowned upon that it will not again appear as a cause of vexation and as a menace to the humanitarian ideals which have made of us the great moral influence of the world. No good portent to the country can be seen in the constant agitation of a subject which involves racial distinctions and which tends to arouse the evil spirits of selfishness and intolerance.

What are the arguments that are adduced in favor of the literacy test? The burden of proof certainly rests upon those who ask for the adoption of such a test to establish its necessity. It is not for those who are opposed to it to show cause why it should not be adopted. Our whole past history indicates that up to the present time we have favored and encouraged immigration. The Declaration of Independence gave as one of the grievances of the American Colonies against the English Government that the latter was seeking to prevent immigration into the Colonies. After we became independent the immigrant was invited here, was encouraged to come, and so he has been encouraged ever since. We were but a handful of people at the beginning of the



nineteenth century. We had a country which needed development and which could not get along without immigrants. In fact all the people who resided in the original States were either immigrants or the children of immigrants not many generations removed. And that has been the story of our country from that time to this.

Take this audience. I have never seen it before to-day, but I venture to assert that a large proportion of those present are immigrants or the sons or daughters of immigrants, and that we will not be required to go back more than one or two generations to find that the ancestors of the representative Americans whom I am now addressing came hither from some European country. What is illustrated by those here assembled can be duplicated in almost every one of our great cities among those in every walk of life—yes, even in the Halls of Congress. We are a cosmopolitan Nation and have absorbed the best of the pioneer spirit that the brave men and noble women who came here from abroad brought with them. Our country has certainly not suffered in consequence of the adoption of a liberal immigration policy. Are we materially, morally, and intellectually worse off than we would have been if we had confined the privileges of this blessed country to those who were here at the end of the Revolutionary War and to their descendants? Would this country be more prosperous if its inhabitants consisted merely of the sons and daughters of the Revolution? I think you will agree with me that we would not in that contingency have materially progressed to where we are to-day. Our country would not have been developed as it has been. There would not have been that hum of the wheels of industry in our cities; our railroads would not have stretched from sea to sea; the farms of the Middle West would not have been cultivated; the mines in the Rocky Mountains would not have been opened; the coal and the iron in our various States would not have been developed; our population would be not one-third—no, not one-fourth—of what it is to-day; and we would not have become the world power, the intellectual, the civilizing influence that we now are, if the immigrant had not been freely admitted as a part of our population. It seems unnecessary to discuss this phase of the subject with any degree of detail; the statistics gathered by the Immigration Commission render further proof useless. The facts are so apparent to one and all of us that it is axiomatic that whatever we have accomplished materially in this country has only been rendered possible by the influx of immigration.

Now, how is it in civics? Has this country deteriorated on account of the immigrant? Have we a diminished sense of public obligation? Did the immigrant during the Civil War stay at home? Did he deny himself to the country of his adoption even before he had become a citizen? I remember that when I was a child, in the city of Syracuse, the One hundred and forty-ninth Regiment of New York Volunteers was enlisted, and Company A consisted entirely of immigrants. They fought for their new country with as much zest as they could had they been born here and had their ancestors for generations before been born here. In fact, those who have had occasion to study the immigrant find that he is apt to become Chauvinistic in his devotion to the country. They are often more Bourbon than the Bourbons, more royalist than the king. They are much more demonstrative in their attachment for the country and its institutions than are the sons and daughters of those whose ancestors came at an early day.

When you come to consider the manner in which the right of suffrage is exercised by them you will find that, in proportion, fewer naturalized citizens neglect the duties of citizenship than native-born citizens. This is especially observed in some of our older communities where immigrants are not encouraged and where a comparatively small portion of the voters actually exercise the elective franchise. I also assert that you will find less corruption among the voters who have recently migrated to this country, who are naturalized citizens, than you will find in some of the homogeneous communities where practically all of the citizens are native born. I have only to call your attention to the recent disclosures in Adams County, Ohio, where practically no immigrants reside, where there are few if any naturalized citizens, and where, nevertheless, nearly two-thirds of the native-born voters were disfranchised by judicial decision because they habitually sold their votes at elections. The same phenomena have been observed in Pennsylvania and in other regions where immigrants are not welcome. The reason why these immigrants are faithful to the sacred trust of citizenship is that they know what it is to be free, what it is to live in a land of liberty. They appreciate that great gift of freedom which is vouchsafed to them when they are permitted to land here and to become citizens. On the other hand, many of the elder inhabitants, of the elder generations, do not evince that zeal, that enthusiasm, that zest in the exercise of the freeman's franchise as do those who know from bitter experience what it is not to possess those privileges, and what it means to be oppressed and to be trodden under the foot of despotism.

But it is suggested by our opponents that they are not seeking to keep out intelligent immigrants—men who possess all these fine qualities. They say: "We admit that if everybody who came to this country were a Carl Schurz, or men of his type, then, of course, each of them would be a great asset; but the average man is not like Carl Schurz. He does not possess these ideal qualities. He is apt to be ignorant; he is illiterate; he is undesirable." Well, now, this argument of undesirableness is an old one. If you will read the records of Congress from 1820 on you will find that almost every class and every generation of immigrants to the United States was by some considered undesirable. If you refer to Niles' Register for 1821, and other similar publications, which I had the honor of presenting to a congressional committee several years ago, you will find a rather amusing collation of material illustrative of the idea that all who came years ago were desirable and all who come now are undesirable. It is there declared with much vehemence that the Irish is an undesirable immigrant, for he possesses this bad quality and that bad quality; that the German is undesirable, for he is clannish and does not assimilate; that the French Canadian is objectionable, for reasons best known to the objectors. When the Scandinavians came there were those who objected to them because they had the defects of their qualities. And so, as each of the several strains of nationality came to this country, the native American—I do not mean the Indian—and those of other nationalities which had preceded them indulged in criticism of them, and to-day you find that those nationalities which were criticized in 1821 and 1848, and 1860 and 1880, are now considered the salt of the earth. To-day, those whose advent to this country in 1855, and for some years thereafter, created the "Know-nothing" movement, are considered to be the desirable citizens. Their children of Irish, German, and Scandinavian extraction are among the leaders of the Nation, our captains of industry, the framers of our laws. Hence, these, the elder immigrants, are now termed the desirables, while those who now arrive are the undesirable. The former are desirable, because, it is said, very few of them come over here at the present time; the latter are undesirable because they are now coming in considerable numbers.

The Irish, the Germans, and the Scandinavians and their children who have been received are often heard to say that the Italians, the Slovenians, the Hungarians, and the Russian Jews are undesirable, probably because they speak another tongue, or when they first arrive are arrayed in different garb; or because they come from a different quarter of the world and pray and think and make love in a different language. All this talk about race difference means nothing to me. The real test is that of manhood and womanhood, that of character, that of industry. I do not think it makes a bit of difference as to his desirability whether a man was born in Russia, in Italy, Scandinavia, Scotland, Ireland, or Germany. From whatever land derived men are essentially alike. In 30 years from now we will not be able to distinguish the children of the people of these six different nationalities from those of the descendants of those who fought in the Revolution. Their children will have become an integral part of the American people.

Why, the other day in his report the Director of Education, Mr. Claxton, said that the least illiteracy is to be found in this country among the children of immigrants. Those who have occasion to examine the records of the public schools of the city of New York are witnesses to the same fact. If you read the lists of the prize winners in our public schools among those who stand at the head of their classes you will find Russian, Italian, Hungarian, and Bohemian names. They are children of the immigrant. They have a desire to learn, a thirst for knowledge which is extraordinary, and which is largely due to the fact that their parents admonished them to study, to take advantage of the education which they can acquire in this country, who therefore regard it as a religious duty to see to it that their children are educated and that the latter make amends for the illiteracy of their parents. How different are the poor whites in some of the Southern States who protest against the introduction of immigrants into this country. Compare their percentage of illiteracy with that of the children of the illiterate immigrant.

But it is said that the illiterate is undesirable, no matter what his children may become. The mere fact that the illiterate is a man of good character, of industry, is regarded as of no moment. He is undesirable; he is not needed in this country; and that is the end of it. Well, now, this inability to read does not affect a man's working power or his capacity to add to the wealth of the Nation or to the public weal. An illiterate Italian or an illiterate Bohemian or Hungarian can work just as well upon our railroads, can dig just as diligently in our subways and tunnels, can build our aqueducts, can perform all of our hard work as effectively as though he were able to read those magical 25 words which are the test of his right to be admitted into this country. These men certainly are more capable of doing work of the character named than a graduate of Oxford or Cambridge, of the Sorbonne, or of Heidelberg, or of any of the great European universities. A classical or scientific education is not required for the performance of severe manual labor. These men do not come to this country to make our laws or to run for Congress or to man our colleges. Our naturalization laws are now framed so that the right of citizenship is withheld from those unable to read and write or to speak the English language. There is a difference between immigration and naturalization. I recognize it. I agree that our laws regarding naturalization should be made so strict as to exclude from the elective franchise those who are ignorant or illiterate. But so far as immigration is concerned, literacy or illiteracy has no material bearing upon desirability.

Does the fact of illiteracy make a man undesirable as a resident? If so, then many of the great families of Virginia should not have been permitted to remain here. An article which appeared a few years ago in Scribner's, or in the Century, disclosed the fact by actual photographic copies of the signatures to deeds conveying lands in Virginia that the grantors, men and women who were the progenitors of some of the F. F. V's., the leading families of the State, were unable to write, because they signed by a mark; and that occurred only within the last century. If illiteracy makes people undesirable, then Abraham Lincoln would not have been in this country, because his father could not read or write; perhaps his mother could, but only with great difficulty. Andrew Johnson, whatever his faults may have been, which time has to some extent softened, could not read or write until he was 18 years of age; and still he became President of the United States. And so there are hundreds of thousands of men who have lived in this country and have achieved considerable success; have developed into important men; have brought up families which have been a source of honor and pride and glory to the land, who were unable to read or write. I know hundreds of men and women—in my early days I came constantly in contact with immigrants—who were of the class known as illiterates, and yet they enjoyed the respect of everybody in the communities in which they lived, because they were industrious; they were thrifty; they were conscientious; they brought up their families in the fear of God; they instructed their children so that they might have the advantages of education which the parents had been unable to acquire; and this experience is repeated in every corner of the land. The Italian who comes to this country as an illiterate sends his children to the public school. He sees to it that they are brought up differently from the way in which he was reared. He tries to make them American as speedily as possible. So far as the Russian Jew is concerned, he needs no encomium at my hands, because he has established his meritoriousness wherever he has had the slightest opportunity and has contributed tremendously to the common welfare.

But it is declared that there must be some kind of a test, and that of illiteracy is as good a test as any. I would say that it is just as bad a test as any. It is as bad to exclude immigrants on one ground as on another. There should be no exclusion that proceeds on an arbitrary basis. If there is to be a policy of exclusion it should proceed upon some rule of reason. Does the fact of illiteracy make a man an undesirable? Is it the fact that the illiterates constitute our criminals? Is it the fact that a man because of his ability to read and write becomes ipso facto desirable? Is it not well established that the most dangerous criminals that infest any country are those who make use of their knowledge of letters to carry out their criminal schemes; men able, sometimes, to speak fluently five or six languages; men well read, thoroughly educated, but nevertheless degenerates, forgers, blackmailers? They are the men who live on their wits, who thrive at the expense of others, who act on the principle that the world owes them a living. They are the parasites; not the illiterates, whose only resource is hard work. I have yet to learn that a man because he is able to read and write is of better character or a better man than he who can not, especially when it is not the fault of the illiterate that he has been deprived of the advantages of education. When he comes from a land which withholds from him these opportunities to seek a home in another, where he may improve his condition, it urges the possession by him of those positive qualities of the pioneer which have converted the wilderness into smiling prosperity.



There is something in his soul which lifts him above the common clay; there dwells in him an ambition which enables him to elevate himself. He has aspirations which point to higher things. He is not content to remain in the slough. He seeks to improve his standards of living and to advance his children in the social sphere through the medium of education. From that very fact he becomes at once a desirable accession to any community, and his children become the leaders of to-morrow.

But it is said that these illiterates do not intend to remain here permanently and are but birds of passage. That does not, however, concern us. We do not ask a man who can read and write how long he intends to remain here. We do not inquire, "Are you a bird of passage?" We have as much right to exclude the illiterate as the illiterate on the ground that his sojourn here may be temporary only. But suppose an illiterate, after he has worked here diligently and efficiently, should conclude to return to his native land. Is that a reason for the exclusion of others of his class? The tendency of population in the present day is to keep in a state of flux. Communities are no longer unchanging and unchangeable. The world has gotten to be one great family. It no longer consists of a multitude of fragments. Our relations with Europe to-day are much more intimate than those of a resident of New York were with one living in Savannah a century ago. If men come here to do honest work, to be useful members of society, what importance is there in ascertaining whether they are to remain here for a long or a short time or to determine what they are to do in the future?

A number of years ago this subject was discussed before one of the congressional committees, and Judge Bijur, who appeared before it, was asked: "Is it not the fact that a great many of these immigrants come here, work on the subways, aqueducts, and railroads, and after they have saved a sufficient sum of money return to Europe and remain there?" "Yes," replied Judge Bijur; "I have no doubt that is the case; but it is also the fact that the subways remain, the aqueducts remain, and the railroads remain here." These immigrants have come, they have worked faithfully, they have given something for what they have received, and they have as much right to use their money as they please and to spend it wherever they please in supporting themselves and their families as others have to spend their patrimony in riotous living or in paying for groceries or provisions or clothing or for a box at the opera.

I have said that some of the immigrants return to the countries whence they came, but the great mass of them come here to live; come with their families; come to establish homes, to become part and parcel of our population. That is true especially of those who are forced to seek a refuge here, who come here to avail themselves of the right of asylum and to receive that protection which hitherto has always been accorded by our country to political and religious refugees. Are we now to abandon that enlightened policy which has welcomed the oppressed of other lands? Are we now to forget that proud tradition, and say to the unfortunates who are practically driven from their own homes by the denial of the right of conscience, "Although this is the land of liberty and of freedom, you will not be suffered to enter our gates, even though you are a refugee from political and religious persecution, because, forsooth, in consequence of the oppressive laws and the discriminatory legislation to which you have been subjected in the land of your nativity you were not permitted to learn to read and to write"? That is precisely what the pending bill threatens to do, although the iron hand is clothed with a velvet glove. It is declared in the bill that those who come here "solely" to escape from religious persecution are not to be subjected to the prohibition of the act. "Solely!" If a rich immigrant arrives, he might conscientiously say that he comes solely to escape religious and political persecution, because being possessed of adequate means it would not be necessary for him to work for a living. But the poor man, the immigrant of moderate means, who is driven to seek asylum here by the most vile and most oppressive persecution disclosed in the history of the world, as in the case of the Russian and the Roumanian Jew, the Protestant Finns and the Catholic Poles, can not conscientiously say that he comes here "solely" because of persecution. He can not say that he will not seek employment or engage in business, for that would not be the truth. He expects to work. He expects to lead a life of usefulness, and not one of idleness. But if he tells the truth and admits his purpose, if this bill is enacted, he will be told, "You are not here 'solely,' because you are seeking refuge from political and religious persecution. We are sorry for you, but you can not be admitted." Even the victim of the infamous blood libel would not be admitted were he an illiterate. However strongly this argument has been presented to the fathers of this legislation they remain obdurate and insist upon retaining this shibboleth, the word "solely." Thus they are merely holding out the word of promise to the ear, to break it in the fulfillment. They indulge in fine words which bring no advantage to those whom they pretend to favor. They recognize the moral right of the victims of persecution to knock at our gates and to expect a hearty welcome, but in spite of that fact they so frame their invitation as to exclude them from the very benefits to which their right is conceded.

Then, again, what is meant by "persecution"? The framers of the bill have been asked to define that term. To the ordinary mind, which may include that of an immigration officer, persecution implies the exercise of force and violence, the application of the thumbscrew, or of some other form of torture. It bears the connotation of a St. Bartholomew's night, of the Spanish inquisition, or of a Russian pogrom. But there are forms of persecution which are infinitely worse than these, more subtle and more effective—the slow but continuous operation of repressive, oppressive, and discriminatory laws and regulations is infinitely worse and more destructive in its consequences than sudden and momentary physical violence. It is insidious and lasting in its injuries; it works day and night, year in and year out; it is a constant horror sleeping and waking; it is a vexation of mind and spirit; it undermines the powers of resistance, destroys hope, and brings despair to the soul. Yet when the projectors of this legislation are asked to define this word as including persecution, whether accomplished through overt acts or by discriminatory laws or regulations, they balk at the phrase and obstinately decline to add one word, one syllable, or one letter to the talismanic phraseology which they have adopted. Is not, then, the inference irresistible, that in spite of their fine words they have no other purpose than to keep out of this country all immigrants who happen to be illiterate, irrespective of the reasons which have induced them to come hither? These immigrants certainly have no intention to return to their native land. These victims of oppression, whether it be political or religious, or both, who come from Russia or Roumania have no desire to resume a residence in those

stepmotherly lands from which they have fled as from a pestilence. They, at least, have come here to stay, to abide here with their children, to take advantage of the opportunities which have been arbitrarily denied to them, without any fault of theirs, by their oppressors in the lands of their nativity, and they can not possibly return whence they have come. This is a most objectionable feature of the proposed legislation, because it is cruel, harsh, and unjust, and contrary to one of the fundamentals of our national spirit.

The restrictionists further contend that immigration must be diminished because of economic considerations; that however beneficial it may have been 20, 30, 40, or 50 years ago, it no longer is of advantage. It is claimed to be necessary to curtail immigration because of the high cost of living, and because of the desirability of maintaining a high standard of living.

Now, in the first place, the argument is fallacious from an economic standpoint. I care not how voluminous are the statistics that may be gathered, the fact remains that the immigrant is almost without exception usefully employed; he works; he is industrious. He is obliged to work if he wishes to remain here. Under the existing law, if he becomes a charge upon the public, he is almost automatically deported. Consequently, if he fails to work he can not remain, and if he works it is evident that he is needed. "Ah," comes the triumphant reply, "then he takes the bread out of the mouths of our own people, of those who have been here before him. His employment leads to the unemployment of his predecessors." That is also a fallacious statement. The immigrant who comes to this country generally does work that nobody else does or would think of doing. Take the native Americans; take the elder immigrants, and ask them to do the work which the later immigrants are now doing in the blast furnaces of Pennsylvania, on the railroads, on all public works; they certainly would, as a rule, refuse to do it. They have risen in the social scale; they are engaged in doing other work, that of a mechanic, such as calls for special skill or training, work of a different character from that of the common laborer; they are engaged in other employments. Some go into commerce, some into manufactures, some in the skilled trades, and most of them occupy other and different relations to the community than that which they filled when they first came to this country. I had occasion to investigate this proposition in 1909 as chairman of the State commission on immigration. The fact was demonstrated that there was little that the recent immigrant did that interfered with the occupations or activities of the elder immigrant or the native American. The latter did work to which they were adapted, while the immigrant did such as the native-born American or the earlier immigrants would not do. Their tendency is to seek work which is light and easy, which does not require much physical exertion, which calls more for mental adaptability than for muscular effort. That is the reason why our farms are to-day deserted by the sons of the native farmers. They throng to the cities and become bookkeepers, clerks, stenographers, salesmen, or perform other functions which do not involve severe manual labor. It is the immigrant who has to take the place of the man who goes what is sometimes termed higher up, but which, unfortunately, frequently means going lower down. At all events, it is the actual fact, as to which a careful observer can easily convince himself, that the immigrant does that kind of work which has been abandoned, neglected, or given up by others, and which has been treated as beneath them by the native born and by those who constitute the earlier strain of immigration.

Again, our opponents say the immigrant lowers the rate of wages; he does not join the labor unions; he does not unite with other laborers or other workmen in his trade; he is a strike breaker. Now, is that the fact? Those who study the subject will find that it is not, but, on the contrary, that the recent immigrant joins organized labor as quickly as he is admitted into its ranks. In the city of New York you will find that in almost every industry the recent immigrants have formed themselves into trade-unions. There are Hebrew trade-unions, Italian trade-unions, and those of other nationalities. This has been done because existing unions have been slow to accept them into their organizations. They adapt themselves, however, rapidly to prevailing conditions. In fact, they have contributed largely to the standardization of labor. Much commendation has recently been accorded to the so-called protocol by which the notable strike of the cloak makers was settled in 1910, and by means of which that industry has been practically standardized. Having been the mediator who brought about the settlement of that strike, and having had much to do with the framing of that protocol, modestly forbids me to enlarge upon this subject. I merely wish to show that here was an industry in which 70,000 tailors were engaged, who almost to a man and to a woman were recent immigrants. None of them had been in this country as many as 20 years; most of them had been here for less than 10 years, and yet they all united for the purpose of creating a new method for the determination of industrial disputes with their employers, and succeeded in evolving a plan for dealing with labor problems which was up to that time unique and which has since been adopted in many other industries, thus marking the advent of a new era in the relations of employer and employee.

I would stop here but for the fact that I wish to say a few words with regard to the novel idea which Senator DILLINGHAM has recently evolved with respect to the restriction of immigration. He has confessed in his argument here that he does not consider the illiteracy test an ideal one; he does not even argue that it is a proper one or one based upon reason. He seems to say with entire frankness: "We are admitting too many immigrants. There should be some way of cutting down the number. Therefore we propose to adopt this for want of a better test; that will at least reduce the number of immigrants of certain nationalities probably to two-thirds of what it is to-day." But he adds, "I have invented another test which, perhaps, is better than the illiteracy test—the percentage test. Let us provide that there shall not be admitted in any year more than what shall be equal to 10 per cent of the number of each of the several nationalities now constituting a part of our population. In other words, if there are 1,000,000 Irishmen in this country we will not hereafter admit more than 100,000 Irishmen in any year; if there are 2,000,000 Germans, we will annually admit 200,000 Germans; if there are 100,000 Russians, we will admit 10,000, and so on."

Nothing could be more arbitrary than such a regulation. Our immigration laws would be based on a mere accident; not on the physical, moral, or intellectual qualities of him or her who now seeks admission, but on the circumstance that others of the same nationality have in the past come in large or small numbers. The rule is not based upon the numbers who may have come from those countries in the preceding year, but upon the numbers that have come in years gone by, whether such immigrants were individually good, bad, or indifferent. Hence



those coming from the lands of the elder immigration would unquestionably be admitted, because their precursors have been numerous, and immigration from those sources has in recent years grown smaller, while the immigration from lands whence the largest numbers now come would be greatly decreased. The effect would be that not so many Englishmen or Irishmen or Germans would be coming to this country as would equal the 10 per cent allotment to which they would be entitled. To-day fewer Irishmen come than formerly, because the days of home rule are near. In Germany industrial conditions have improved, and therefore there is less likelihood that migration from Germany will be maintained. The same thing is true of England, and a comparatively small number will come from there. Oh, but these people would be welcome, because they no longer desire to come; but as to those who do—that is another story. Inasmuch as Italian immigration is comparatively new, under this rule the number of Italians who might be annually admitted would be reduced to a very small number, as would those coming from Russia. Hence by means of a mathematical formula, regardless of the welfare of the country and of the behests of justice, right, and equity, presto, the problem is solved. In my judgment it would be ten times more honorable to declare that we will not henceforth receive any immigrant from Italy or from Russia or from Hungary or from any other European country south of a certain latitude than to try to accomplish such a result by this indirect and tortuous method, which savors of unfairness and injustice and which is entirely dependent upon the accidental operation of an arithmetical rule empirically devised. How would it work? When would the dead line of exclusion be reached? When would the gullotine operate, and on whom? Why, a man sells his household goods in Russia or in Hungary. He abandons his home to seek a better and a happier one in America. He buys his tickets and crosses the Atlantic. He arrives at Ellis Island, his soul filled with noble emotions and his mind with high resolves. He is in every way fitted to become a citizen of this blessed country. He is strong, in perfect health, vigorous, industrious. When he reaches the commissioner's office the books are opened, and it is found that he is too late or too early. He is politely told: "We are very sorry, but yesterday the percentage limit of those entitled to come from your country was passed. You must return whence you came. If you try again early next year, you may come in time. In the meantime you must either anchor outside of Sandy Hook or do the best you can to find another habitation."

And that is the kind of legislation that is seriously proposed in the Halls of the Congress of this liberty-loving land; of this land where we boast of justice, of fair play, of brotherly love, of humanity, of altruism! Does it not provoke sardonic laughter? The pity of it is that this is the project of one who declares, with entire sincerity, that he admires our immigrants, that he hates persecution and oppression. Yet his panacea would effectively exclude the very men of whom he speaks with sympathy.

Again, how many of a certain class of people can come here? Take the Russian Jews—I speak of them because I have studied their condition with more detail than that of other immigrants, and their fate is nearest to my heart, because I know the absolute necessity of keeping our doors open to this people, whose sufferings have not been equaled in the sad history of that much-suffering nation—60 per cent of all classified Russians come from Poland and are only in small part Jewish. The remaining 40 per cent of the Russian immigration is Jewish. On what basis will the percentage limit be calculated? Which of these two classes of Russian immigrants would secure the benefits of it? On which of them would the inexorable rule of exclusion operate? Why, the poor unfortunates who have been driven from pillar to post, who have no choice but that of destruction on the one hand and death on the other, would be required to return, if they may, into that charnel house from which they have sought to emerge in the hope of finding liberty and freedom in this blessed land because our finest traditions have been subordinated to an arithmetical test.

I have not the patience to discuss this phase of the subject further. I do not believe that our lawmakers are so deaf to considerations of right and wrong as to regard such a test with equanimity. Let our laws be so framed and enforced as to keep out criminals, defectives, those who would become a public charge. Let them not, however, despise those forces which have contributed to our national prosperity and which have added to the idealism of our people.

#### DISCUSSION.

Prof. JENKS. I am sure that you all agree with me in thanking most heartily Mr. Marshall for this most instructive and most inspiring address. You know it is our custom to have questions after the address, and we still have a few minutes that can be spent in that way.

Question. To what extent would the large immigration affect the question of employment?

Answer. It has been demonstrated that unemployment is not at all affected by immigration. There are always certain industries which are seasonal industries, in which there are always at certain times of the year men and women out of employment, but that is not in any way due to the immigrant. It exists in industries in which comparatively few immigrants are employed. It exists largely in industries in which immigrants are principally employed.

It is a fact, which is established by the statistics collated by Prof. Hourwich in his book entitled "Immigration and Labor," from the report of the Immigration Commissioner, and from other official sources, that whenever there occurs in our commercial or economic life business stagnation with resultant unemployment automatically immigration is suspended. Those abroad know instantly whether an opportunity for employment exists in this country. If a state of unemployment prevails, they remain at home. At the same time the safety valve operates in another direction. At times of unemployment a large percentage of recent immigrants return to their former homes. Thus in 1907, for instance, immediately following the panic of that year, the extent of emigration from this country was equal to the immigration into it. There was absolutely a state of equilibrium. There was, therefore, no increase of unemployment in consequence of immigration.

Question. We have a great deal of that cheap labor. Does that affect the employment of machinery—the fact that machines are engaged in digging and that kind of thing it would seem to me we ought to have gotten to a point now where we do not need them?

Answer. But, Madam, the argument has heretofore been urged by the laboring people that the greatest enemy that labor has ever had has been machinery.

Question. They have become enlightened now; they have seen that it is not.

Answer. It is a fact that a so-called labor-saving machine takes the place of quite a number of men previously engaged, and in that

way it does affect those immediately engaged in that particular branch of labor to the detriment of labor, so far as the physical work is concerned, until they find other employment.

Question. You say these immigrants do the work that the other people do not do. You do not think that the Russian Jew does that sort of labor, do you?

Answer. But the Russian Jews do perform severe manual labor. To-day they are among the most active factors in the building trades of this country. They are masons; they do the structural ironwork for the large apartment houses; they are plasterers and carpenters; they are painters and paper hangers; they engage in all these and other different industries. The needle industry was created by them very largely. They produce in the city of New York in the cloak and suit making industry alone in one year \$250,000,000 worth of product, and they are engaged in all kinds of industrial pursuits. They do not dig to the extent that the Italian and Hun does, because they are able to do a higher class of work.

Question. Have they driven other nationalities out of the cloak trade?

Answer. They have not driven any nationalities out of that trade, for the reason that it is in great measure an industry which they themselves have created. The cloak industry and the skirt industry was practically nonexistent in the city of New York and in other parts of the country until the Russian Jew came and made it what it is, created something where before there was nothing, and, so far as driving anybody out of work is concerned, to-day the Italians are entering into the needle industry to a very large extent.

Question. It is admitted that we have plenty of room in this country, but is there not a danger now that we are facing what we have not faced in the last hundred years—of being unable to assimilate so many that are coming to-day? Haven't we got a problem that we have not had before?

Answer. I do not so conceive it. I think that assimilation is proceeding very rapidly. Perhaps I may be something of a reactionary, but I fear that sometimes it goes on too rapidly. I should like to see the immigrants proceed somewhat more slowly in the process of assimilation. I would like to have them maintain some of the fine ideals and the admirable characteristics which many of them bring to this country and not to lay them aside hastily for the purpose of making more rapid advances materially. I am sure that they are assimilating as rapidly as it is desirable that they should. I speak advisedly, because I have had exceptional opportunities to observe them in that regard, having actively worked among immigrants for many years. I have observed them in the Educational Alliance and other similar institutions, and it is really astounding to realize how rapidly they assimilate. If you ever have the opportunity of observing the salute of the flag by school children who have only been in the country for one or two years and to witness the spirit with which they regard American institutions, you would be convinced that the work of assimilation is proceeding with great strides. It is more easy to assimilate to-day than it was in the earlier days of immigration. When my good father came to this country, in the part of the country where he first came, a foreigner was regarded as a strange manifestation. It was really supposed, especially if he were a Jew, that he ought to have horns. He was believed to be entirely different from other people. These immigrants did not have the opportunity of improving one another that now exists. To-day there are organizations in every community which strive with all their might to aid their brethren to adopt the customs of the land and to become good American citizens.

Question. It is a well-known fact that the average wage in this country is higher than in Europe. Now, in the event of increasing immigration what is to prevent the leveling of the wages between this country and Europe?

Answer. It has not as yet been effected, and there is nothing to indicate that there is any likelihood that there will be such a leveling. The tendency has been to the contrary. In recent years the trend has been toward the increase of wages. Of course it is also true that the cost of living has increased, which, to some extent, would balance the increase in wages; but the wage earner in this country has never gone backward, either as to the extent of his compensation or in his standard of living. His scale of living has improved materially. His housing conditions have improved, and his wages have increased in amount more than in proportion to the increased cost of living. I see no occasion for any fear with regard to the leveling of wages, because in most of the countries from which the immigrant comes there are not industries of the character existing in this country. Hence there can be no reasonable expectation that that leveling process to which you refer will take place. Of course, the whole subject can be easily regulated by a protective tariff based on the difference in wages here and abroad. If there ever was danger of other nations meeting us in the field of competition to such an extent as to endanger the welfare of our employees, Congress would speedily adjust the difference.

Question. Isn't it a fact that the literacy tests would not bar the Russian Jew, as he has had opportunity to learn to read and write Hebrew?

Answer. Unfortunately, that is not the case to-day. There was a time when there was no such being as a Jewish illiterate. Prior to the beginning of the influx of the Russian-Jewish immigration in 1880 I knew of but one Jewish illiterate, and he was wounded on Lookout Mountain fighting for the Union. In Russia, however, to-day conditions are such that the opportunities for education, even to the extent of reading the prayers and the Bible in Hebrew, are no longer what they were. The Jews are not permitted to conduct their schools as they formerly did. The Government interferes with them in every possible way. As a matter of fact, 18 per cent of the Russian-Jewish men who arrive here to-day, and about 30 per cent of the women, are illiterates. I have here a pamphlet written by Mr. Lucien Wolf, the distinguished English journalist, entitled "The Legal Sufferings of the Jews in Russia," being a survey of their present situation, with an appendix of the oppressive laws applicable to them. It has an introduction by the distinguished publicist, Prof. Dicey, of Oxford University, in which he lays stress upon this very fact, and shows that a people which during the Middle Ages was a literate people, when all around them was practically a howling wilderness of ignorance and illiteracy, has to-day as a result of these restrictive laws, reached a state where illiteracy is no longer unknown. It is for this very reason that whatever general rule may be adopted as to the promulgation of an illiteracy test, it would be the acme of injustice to apply it to those whose illiteracy is directly traceable to religious persecution.

JAMES P. CLARKE, a Senator from the State of Arkansas, appeared in his seat.

## SHIPMENTS OF COPPER ABROAD.

Mr. WALSH. Mr. President, since the commencement of the present devastating war in Europe shipments of copper from the United States to ports of neutral nations on the Continent, reaching the enormous aggregate of 19,350 tons, have been seized and are for the greater part being held by Great Britain as contraband. At the prevailing prices, which are more or less depressed in consequence of the interruption in trade, arising by reason of hostilities, the merchandise involved in the seizures has a value in excess of \$5,500,000. Thirty-one ships have been relieved of their copper freight—4 destined to Holland, 14 to Italy, and 13 to

Sweden. Nine thousand three hundred and fifty tons are piled up at Gibraltar. Detailed information will be found in the following table, giving, among other things, the ship affected, the quantity seized in each instance, with the date of seizure, the place at which the cargo is held, and the country to which it was consigned.

I ask that the table be printed in the RECORD without reading.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, it is so ordered.

The table referred to is as follows:

Name of steamer.	Nationality.	Date of sailing.	Destination.	Date of seizure.	Shipper.					Total.	Where held.	Status.
					American Smelting & Refining Co.	United Metals Selling Co.	American Metal Co. (Ltd.).	L. Vogelstein & Co.	Norfolk Smelting & Refining Co.			
					Tons.	Tons.	Tons.	Tons.	Tons.	Tons.		
Belgia.....	German.....	July 19	Hamburg...	Aug. 5		30	70			100	Liverpool.....	About to be released.
Rotterdam.....	Dutch.....	Sept. 15	Rotterdam..	Sept. 26	565	395	131	400		1,491	Bought by British.	Sold to British Government.
Potsdam.....	do.....	Sept. 22	do.....	Oct. 9	500	500	325	480		1,805	do.....	Do.
Westerdyk.....	do.....	Sept. 21	do.....	do.....	605					605	do.....	Do.
Sloterdijk.....	do.....	Sept. 9	do.....	Sept. 26			89	300		389	do.....	Do.
Ascot.....	British.....	Oct. 10	Italy.....	Oct. 26	450	500	300	50	40	1,340	Gibraltar.....	Prize court, Gibraltar.
Palermo (from Boston).....	Italian.....	Oct. 20	do.....	Nov. 2			300			300	do.....	Do.
Regina d'Italia.....	do.....	Oct. 15	do.....	Oct. 26	150	420	200	410		1,180	do.....	Do.
Italia.....	do.....	Oct. 24	do.....	Nov. 8	400	300			200	900	do.....	Disposition unknown.
Kronland.....	American.....	Oct. 15	do.....	do.....	800	500				1,300	do.....	Do.
San Giovanni.....	Italian.....	Oct. 14	do.....	Oct. 26	550					550	do.....	Do.
Duca d'Genoa.....	do.....	Oct. 17	do.....	Nov. 8	300					300	do.....	Do.
Verona.....	do.....	Oct. 21	do.....	do.....	225	100				325	do.....	Do.
Europa.....	do.....	Oct. 28	do.....	do.....	300					300	do.....	Do.
San Guglielmo.....	do.....	Oct. 21	do.....	do.....	400	300				700	do.....	Do.
Tabor.....	Norwegian.....	Oct. 26	do.....	Nov. 13		510		260	250	1,020	do.....	Prize court, Gibraltar.
Taurus.....	American.....	Nov. 1	do.....	do.....		400				400	do.....	Disposition unknown.
Perugia.....	British.....	Nov. 8	do.....	do.....		515				515	do.....	Do.
Norheim.....	Norwegian.....	Oct. 17	do.....	Nov. 18		400		25		425	do.....	Do.
Sif.....	do.....	Oct. 31	Sweden.....	do.....			400			400	Glasgow.....	Prize court, Glasgow.
Sigrun.....	Norwegian.....	Nov. 8	do.....	Nov. 26			400	50		450	Newport.....	Prize court, Newport.
Ran.....	Swedish.....	Nov. 13	do.....	Dec. 1		250	400			650	Liverpool.....	Prize court, Liverpool.
Antares.....	Norwegian.....	Oct. 22	do.....	Nov. 14		250		400		650	do.....	Disposition unknown.
Tyr.....	do.....	Oct. 29	do.....	Nov. 19		350		400		750	Glasgow.....	Do.
Francisco.....	British.....	Oct. 17	do.....	Nov. 2				200		200	Hull.....	Do.
Idaho.....	do.....	Oct. 24	do.....	Nov. 10				200		200	do.....	Do.
Toronto.....	do.....	Oct. 31	do.....	Nov. 15				200		200	do.....	Do.
Marengo.....	do.....	Oct. 10	do.....	Oct. 25				200		200	do.....	Do.
Gallio.....	do.....	Nov. 7	do.....	Nov. 23				200		200	do.....	Do.
New Sweden.....	Swedish.....	Dec. 6	Stockholm.....	Dec. 28	730					730	Newcastle.....	Do.
Soerland.....	Norwegian.....	Nov. 27	do.....	do.....	600					600	Lieth.....	Do.
Canton.....	Swedish.....	Nov. 12	Stockholm and Gothenburg.	Dec. 1	375					375	The Tyne.....	Do.

Mr. WALSH. In magnitude no interference with commerce between neutrals of which our annuals make mention can compare with that to which the attention of the Senate is now directed. It presents features no less singular, as will be developed in the course of these remarks. That the significance, from an industrial point of view, of this extraordinary interruption of the commerce between nations at peace with all the world may be appreciated, I venture to digress to present some facts touching the production of and trade in copper.

The United States produces more than one-half of all the copper mined, the world production of 1912 amounting to 1,006,635 long tons, of which 554,835 tons came from our mines. Mexico ranks second, with 70,000 tons, and Japan third, with 65,000. From 1892 to 1906, inclusive, the great State which I have the honor in part to represent in this body, held the primacy among the States of the Union in the production of copper. She lost it to Arizona in 1907, regained first place the next year, but was passed again by her younger sister in 1909, since which time Arizona has been producing annually about 30 per cent of our copper, Montana about 25. Though this Nation likewise ranks first in the consumption of copper, our manufactories taking 371,800 tons in 1912, we export 62 per cent of our total output, approximately 346,000 tons going abroad in that year. Next to cotton the most important product in point of value exported from the United States is copper.

Our foreign market is, consequently, vital to the copper industry. Any serious interference with it is immediately reflected in the communities in which the ores are mined and smelted. Any prolonged disturbance in or substantial curtailment of that market must necessarily be attended with business disaster in the affected centers.

Our exports go to nearly every European country. Germany has in recent times been our best customer, that country taking in the 10 months of 1913, ending with October,

259,000,000 pounds. Holland affords the next best market, its ports absorbing 148,000,000 pounds during the same period. Then, in order, come France, taking 128,000,000 pounds; Great Britain, about 111,000,000; and Italy, 35,000,000. As the consumption of Holland does not exceed 1,000 tons annually, it is to be presumed that the greater portion of that customarily unloaded at her ports finds its way, under normal conditions, into the adjacent countries, much of it doubtless going to Germany. It seems likely that quite one-half of all copper exported from the United States within the last half dozen years went to that great industrial nation. The war has closed that market to our producers. Grave as is the situation which confronts us because of its loss, there is no disposition to question the propriety on the part of any belligerent nation to exclude copper from the territory of its enemy if it lawfully can. That loss is endured with such patience as they can command, by the operators and the miners alike. Multitudes of the latter in enforced idleness must make such provision as they can against the rigors of an inhospitable winter climate. No little destitution must follow and great industrial loss.

The exigencies of the war, in which we are in no wise concerned, will necessarily entail hardships and suffering upon the laborers in the copper mines and in industries more or less dependent upon them. It might reasonably be assumed that the Government of the United Kingdom, with which we are happily in amity, would not wantonly add to the detriment which is occasioned by the destruction of the German market, the discomfort and distress that must ensue from the closing to our trade of the ports of the neutral nations of the Continent.

All the leading producers of copper have been forced to curtail their output to the extent of nearly 50 per cent, as exhibited by the following table, showing the monthly production of the companies listed from January to July, inclusive, 1914, as compared with that of more recent months.



	Anaconda.	Utah.	Nevada Consol.	Chino.	Ray Con- sol.
January-July.....	22,886,000	10,116,592 to 13,080,509	4,483,175 to 5,791,122	5,389,242 to 6,344,652	5,531,308 to 6,274,520
August.....	14,745,000	7,833,244	3,062,637	3,206,694	3,142,558
September.....	12,400,000	6,338,580	2,718,471	3,121,645	3,122,967
October.....	11,800,000	6,427,126	2,801,507	2,907,000	3,115,967

<sup>1</sup> Average per month.

In the case of the following five mining companies the normal monthly production is compared with present production.

	Normal production.	Present production.
Old Dominion.....	3,000,000	1,600,000
Shannon.....	1,200,000	1,200,000
Penn Mining.....	300,000	300,000
Ducktown.....	500,000	500,000
East Butte.....	1,000,000	1,000,000
	6,000,000	2,400,000

As the seizures complained of were made upon the claim that the merchandise involved is contraband of war, a little attention to the legal aspects of the controversy is essential to a proper understanding of our rights in the premises and of the obligation, from the standpoint of international law, of the nation whose dominant position as a sea power enables her thus to interdict peaceful commerce.

A state of war imposes no obligation upon neutral nations to cease trading with the belligerents, nor is it any breach of neutrality on the part of the former to permit their citizens to sell either to the governments at war or to their citizens any commodities, even such as are to be used directly in prosecuting it, like arms and other destructive agencies. However, a belligerent may, without offense against international law, seize upon the high seas articles in transit to the enemy country intended for the use of the forces of the latter in the field or calculated more or less directly to promote its success in the conflict. Articles so subject to seizure are referred to as contraband of war.

Contraband is ranked under two heads—absolute and conditional. Absolute contraband includes those articles which are peculiarly adapted to war, such as arms and ammunition and military and naval equipment. Conditional contraband consists, generally speaking, of articles which are susceptible of use in war as well as for purposes of peace, but which are in course of transport for use in the prosecution of the war.

When absolute contraband is destined to one of the countries at war, whether to the government or to an individual in that country, it is subject to seizure and confiscation by any opposing belligerent. As the use to which it is to be put determines its liability to seizure in the case of conditional contraband, its destination is a controlling factor. If destined to the army or navy or to a place occupied and held by military forces, it is contraband; if not so destined, articles falling within the category of conditional contraband are presumably not intended for warlike uses; as, for example, when bound to an individual or a private concern. If they are not shipped for use in connection with the conduct of the war, they are not subject to confiscation and their seizure is unjustifiable.

As to many articles there would be very general concurrence that they should be regarded as absolute contraband; others could easily be characterized as conditional contraband, and still others would, in honest minds, so remote is their usual use from the activities of war, like cotton, for instance, be classed as neither the one nor the other. But with respect to a multitude of commodities the widest divergence of view may obtain as to which of the three classes may claim them, the neutral nations' interest impelling them to contend for a restricted contraband list, the belligerents, particularly those strong at sea, obviously disposed to extend the category of commodities subject to seizure. A circular issued by our Department of State on the 15th of August last says:

5. What is contraband of war is to be determined by international law and usage, influenced in some degree by the positions assumed by the belligerents. As there is no final tribunal for the definite determination of these international questions, they are not as determinable as questions of domestic law. There are no general treaties amongst the nations of the world determinative of contraband of war. The London convention, 1908-9, though signed by the delegates of the countries at war, of the United States, and of other countries, was not ratified by the signatory Governments, and is valuable only as indicating the disposition of the Governments represented.

Immediately upon the breaking out of the war Great Britain and Germany made announcements as to the articles which they respectively would consider as absolute and as conditional contraband, the lists in each case being substantially identical with those of the Declaration of London, except that the British transferred air craft and accessories from the conditional to the absolute list. Copper was included in neither. That convention, however, expressive of the views of the nations as to what ought to be done should any belligerent desire to enlarge the classes of articles falling within the designation of either absolute or conditional contraband, provided that articles might be added to either list by a declaration, which should be notified.

On the 20th of August an important proclamation was issued by the British Government, which, however, did not affect copper until September 21, when, for the first time, that metal was declared conditional contraband. The proclamation referred to dealt with two features of special interest in this inquiry. In the case of conditional contraband it had always been held that the belligerent making the seizure was required to prove that the goods involved were intended for the use of the enemy's forces. Great Britain had herself stood for this doctrine, and there was no dissent from it. In the course of the Boer War, Lord Salisbury defined the position of the Government of that country, a shipment of American goods drawing from him the following declaration:

Foodstuffs with a hostile destination can be considered contraband of war only if they are supplies for the enemy's forces. It is not sufficient that they are capable of being so used; it must be shown that this was, in fact, their destination at the time of the seizure.

Certain presumptions were indulged, however, in favor of the belligerent nation in making its case. By the Declaration of London the martial destination was to be presumed to exist in the case of goods consigned to enemy authorities, or to a contractor in the enemy country who, as a matter of common knowledge, supplies articles conditionally contraband to the enemy, or to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy.

The so-called Order in Council of August 20, ultimo, referred to, extended the scope of the presumption to embrace goods "consigned to or for an agent of the enemy State, or to a merchant or other person under the control of the authorities of the enemy State." If this recital is to be given the force which naturally attaches to its language, all distinction between absolute and conditional contraband is wiped out, since every person within an enemy State is under the control of the authority of that State. The presumption thus indulged may, indeed, be rebutted, but in practice the effect is as stated, since the shipper is in no situation to establish that the consignee did not intend to pass the goods along to the armed forces. By another provision of the order mentioned, the "continuous-voyage" rule was asserted, though the Declaration of London gave it no countenance. Article 35 thereof declares that "conditional contraband is not liable to capture except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port." If that rule obtained, conditional contraband of all kinds and in unlimited quantity might be unloaded at Rotterdam or Genoa, though its ultimate destination might be some German city, from which it was to be drawn upon to supply the armies in the field.

The order to which reference has been made declared conditional contraband liable to capture "to whatever port the vessel is bound and at whatever port the cargo is to be discharged." Thereupon ships sailing for neutral ports but carrying articles proclaimed as conditional contraband were subject to be overhauled and relieved of the same upon the claim that they were in fact destined to the enemy's forces.

As will be hereafter shown, our Government is in no position to object to this last-mentioned feature, but it is to be borne in mind that it had at the time it was issued no relevancy to shipments of copper, nor did it have until September 21, when, for the first time, copper was by proclamation declared to be conditional contraband. Thereafter a ship sailing to Bergen, Norway, or to Genoa, Italy, might be stopped and relieved of copper which was shipped with intent that it should or knowledge that it would pass into the hands of the German Government for use in connection with its military operations.

On the 29th of October a further proclamation by the English Government was issued revising the schedules of absolute and conditional contraband, by which it was declared that copper would thereafter be treated as absolute contraband. Thereupon copper destined to Germany or Austria, whether for use by the Government of either in the conduct of the war or for

use in the arts of peace, though on a ship sailing to a neutral port, became subject to capture and confiscation.

Whether the Government of Great Britain has the right by its *fiat* to make copper either absolute or conditional contraband is a subject upon which it is not my purpose to enter. Doubtless our Government has protested or will protest, at least, against any attempt to hamper our trade by making it subject to seizure, though neither the consignor nor the consignee contemplate that it is to be devoted to warlike uses. I shall assume in the course of my remarks that it is contraband. The English prize courts, to which all the seizures made must go for adjudication, will give to it the status assigned to the metal in the royal proclamation, however it may afterwards be regarded in the course of diplomatic negotiations or before an arbitral board upon a claim for damages on account of the confiscation of any particular shipment.

It will be understood that in every case of seizure the prize must be taken to a court of the country making it before which the question of the liability to capture is tried. Provision is ordinarily made for an appeal, and if the owner of the cargo seized is given a fair trial and the cause is determined according to the recognized rules of international law, he may claim no redress through the diplomatic agencies of his own country. But if the trial proceeds upon a theory of the law contrary to that acknowledged by the country to which he owes allegiance, it insists upon redress through the diplomatic channels. In a case in which the seizure is plainly without justification, his country may and should require the immediate release of the property, and in any case may insist upon a speedy hearing before the prize court. Obviously the consideration which a belligerent owes to the citizens of a neutral and friendly nation imposes upon it an obligation to proceed in its prize court with all reasonable dispatch.

Reference was made to the recital of the Order in Council of August 20 to the effect that merchandise should be deemed contraband, either conditional or absolute, as the case might be, if in the one instance it was intended for warlike use by the enemy and was en route to him, or in the other it was destined to the enemy country, transshipment to be made from a neutral State to which the cargo was consigned. The principle which finds expression in that part of the Order was developed during our Civil War, though founded upon rules long prevailing in the English courts. An effective blockade of all southern ports was maintained by the National Government. Fleet ships manned by daring and venturesome navigators were persistently engaged in running the blockade despite the vigilance of the Navy. Some of these were attracted by the profits of a successful voyage, others were in the service of the Government of the Confederate States. It transpired that the insignificant town of Nassau, on the island of New Providence, in the Bahamas, a British dependency, was developing into a great commercial center, and it was scarcely a secret that its mushroom growth was due to the fact that merchandise brought there from England found its way into the war area by means of the blockade runners. This traffic resulted in the seizure of a number of ships flying the British flag and bound, ostensibly, for Nassau, upon the claim that their papers did not show their true destination, which was one of the blockaded ports, or that though they might intend to touch at Nassau, it was designed, at some opportune time to evade the blockading fleet to deliver their cargoes in the war territory, or that if their freight was to be unloaded at all at Nassau, it was not to be disposed of in the market that port afforded or delivered to a bona fide consignee doing business there, but was to be transhipped at some favorable season in violation of the blockade. The district courts of the United States, and afterwards the Supreme Court, held that if the real destination of the shipment was some port of the States in insurrection, it was of no consequence that the ship was on her course from a neutral port to a neutral port, if after arriving at such port, the purpose of those controlling her movements was to proceed past the blockading fleet to any of the closed ports, or even if the purpose was to transship the cargo to another vessel that might more safely or more courageously attempt to pass the barrier. The ship was in such case held subject to seizure and her freight to confiscation.

The principle upon which these cases were decided would justify the capture by a belligerent of a ship carrying contraband between neutral nations, if the real destination of the prescribed merchandise was within the enemy country.

In the cases referred to much of the freight involved was indeed contraband, but as all commerce was under interdiction because of the blockade, that fact was important only as it bore upon the question of the real destination of the cargo. A more complete understanding of the principle involved will be as-

sured by some slight attention to the character of the freight carried by the offending ships.

In the case of the *Dolphin* (7 Fed. Cases, 868) a part consisted of 920 rifles and 2,240 cavalry swords described in the bill of lading as "hardware."

The *Bermuda* (3 Wall., 514) carried tea, coffee, drugs, surgical instruments, shoes, boots, leather, saddlery, lawns with figures of a youth bearing onward the Confederate flag, military decorations, epaulettes, stars for the shoulder straps of officers of rank, many military articles with designs appropriate for use in the Confederate States, cases of cutlery stamped with the names of merchants in Confederate cities, several cases of double-barreled guns stamped as manufactured for a dealer at Charleston, a large amount of munitions of war, five finished Blakely cannon in cases with carriages, six cannon without cases, a thousand shells, several hundred barrels of gunpowder, 72,000 cartridges, 2,500,000 percussion caps, 21 cases of swords, and, in addition, a large quantity of army blankets and other materials.

Touching the cargo of the *Springbok* (5 Wall., 1), the Supreme Court, in its opinion, said:

A part of it was specially fitted for use in the rebel military service, and a large part, though not so specially fitted, was yet well adapted to such use. Under the first head we include the 16 dozen swords and the 10 dozen rifle bayonets, and the 45,000 navy buttons, and the 150,000 army buttons; and under the latter the 7 bales of army cloth and the 20 bales of army blankets, and other similar goods.

Inasmuch as it is not my purpose to vindicate the judgments rendered in these cases by our courts, but rather to make clear the principle upon which they proceeded, I refrain from any detailed recital of the many circumstances present in each of the cases resulting in condemnation, leading to the conclusion that a manifest attempt had been made "to introduce contraband goods into the enemy's territory by a breach of blockade."

It was admitted, nay asserted, that if the cargo was destined for Nassau or some other neutral port, there to pass into its general commerce, it was not subject to seizure, even such of it as was contraband. In the case of the *Stephen Hart* (Blatch. Prize Cases, 387; 3 Wall., 559), bound ostensibly to Cardenas, Cuba, Judge Betts said:

If she was, in fact, a neutral vessel, and if her cargo, although contraband of war, was being carried from an English port to Cardenas for the general purpose of trade and commerce at Cardenas and for use or sale at Cardenas, without any actual destination of the cargo prior to the time of the capture, to the use and aid of the enemy, then, most certainly, both the vessel and her cargo were free from liability of capture.

The Supreme Court affirmed this doctrine in the case of the *Bermuda*, supra, saying that—

Neutrals might "convey in neutral ships from one neutral port to another any goods, whether contraband of war or not, if intended for actual delivery at the port of destination and to become part of the common stock of the country or of the port."

It was asserted by counsel—

Said the court—

that British merchants had "a perfect right to trade, even in military stores, between their own ports, and to sell at one of them goods of all sorts, even to an enemy of the United States, with knowledge of his intent to employ them in rebel war against the American Government." If—

Continued the court—

by trade between neutral ports is meant real trade, in the course of which goods conveyed from one port to another become incorporated into the mass of goods for sale in the port of destination; and if by sale to the enemies of the United States is meant sale to either belligerent, without partiality to either, we accept the proposition of counsel as correct. But if it is intended to affirm that a neutral ship may take on a contraband cargo, ostensibly for a neutral port, but destined in reality for a belligerent port, either by the same ship or by another, without being liable from the commencement to the end of the voyage to seizure, in order to the confiscation of the cargo, we do not agree to it.

Though the Government of Great Britain acquiesced in the decisions in these cases at the time and the commission appointed under the provisions of the treaty of Washington of May 8, 1871, gave its adherence to the rule announced in them, the doctrine of "continuous voyage," particularly as it was applied to the case of goods to be transhipped from the neutral port to which the vessel was bound when seized, has been assailed with unusual vigor on both sides of the Atlantic. The jurists of the Continent with practical unanimity have denounced it, and they refused to give any countenance to it, as shown in the Declaration of London. Our Government is, however, committed to the rule it developed or invoked in our time of trial, and has no disposition to recede from the position then taken to shield any of our citizens from the consequences of a violation of it. It was even made applicable in the case of the *Peterhoff* (5 Wall., 28), to contraband landed at a neutral port, Matamoras, Mexico, to be transported overland into the belligerent territory. Our citizens have accordingly no just cause of complaint if contraband articles are seized



at sea though they may be consigned to a neutral port, if the consignors intend that they shall not, or know, or have good reason to believe, that they will not pass into the general commerce or trade of the country to which they are ostensibly destined, but purpose that they shall or believe that they will be hurried to the country of the enemy of the nation making the capture.

Obviously the power assuming the responsibility for the capture must be prepared to establish that the ultimate destination is the territory of its enemy.

The cases from our own courts dealing with the subject of "continuous voyage" have been dwelt upon at what may seem unnecessary length, because the idea has been encouraged that our Government is now taking an attitude inconsistent with that assumed by it in the Civil War, and out of harmony with the rules our own courts had prescribed touching belligerent rights. How unfounded this claim is will appear as we proceed.

We may now return to inquire about the seizures giving rise to this discussion, with a view to forming some just judgment, in the light of the principles reviewed, as to the conduct of the Government of Great Britain in authorizing or countenancing them.

From such sources as are open to the general public it is learned that the captures were made and the copper held upon the claim—if, indeed, any specific claim at all is made—that it was not for consumption in the countries to which it was consigned, but was destined for Germany and to be used in connection with the prosecution of the war. I say if any claim at all is made in justification of the acts challenged—because about the only explanation vouchsafed to the shippers or which has found its way into the press is that shipments in unusual and extraordinary amounts were being made to the neutral countries of Europe, and particularly to Italy. From this it is left to be inferred that the claim is made that the particular shipments arrested were en route to Germany.

If Italy were not herself a large consumer of copper; if her seaports were not great marts in which copper is sold for consumption in the adjacent countries; if Genoa were Nassau; if Italy, in order that her own manufactories might be supplied, had not voluntarily laid an embargo upon the exportation of copper, the circumstance of heavy importations, so far as it exists, might be significant.

It will appear from detailed information to be laid before the Senate that copper in quantities quite above the average left our ports during the months of October and November for Italy, just as our exports to England have increased during the same period, and primarily for the same reason, namely, that Germany has supplied the markets of Europe with the manufactures of copper and brass. Italy took from Germany in 1912 33,829 quintals of miscellaneous manufactures of copper, bronze, and brass, 56.4 per cent of all the peninsular kingdom imported. Every manufactory in Europe not demoralized by the war is spurred to its utmost capacity to meet the demand occasioned by the isolation of Germany. Congress was forced to impose new taxes in order to meet the deficit due to the decrease in our imports, largely from Germany. Our factories proceeded at once to put themselves in readiness to absorb their share of the business that has heretofore gone to the countries engaged in the present deplorable conflict. The keen business men who handle our export trade in copper became quickly alive to the fact that Italy was an excellent market for their product, quite apart from the necessities of Germany and notwithstanding it could not be reexported without violating the Italian law.

Aside from such as is contained in sulphate of copper, the annual consumption of copper in Italy amounts to 42,900 metric tons; 20,350 tons more are utilized in that compound, the principal ingredient of Bordeaux Mixture, used in spraying the vines to destroy the phylloxera which infests them. That country takes normally about 3,500,000 pounds per month from us. England had been receiving an average of about 11,000,000 per month. Both of these countries took 22,000,000 from us in October, but Italy got practically nothing in August, owing to the demoralization of commerce to the Mediterranean—302,578 pounds to be exact—and only about the usual amount in September, while England took 24,000,000 in August and 16,900,000 in September. During the three months of August, September, and October England took at least 25,000,000 pounds of copper in excess of her normal demands, to which must be added 9,609,600 taken from ships bound for the Netherlands and 4,883,200 pounds more diverted from the stock at Rotterdam, in all approximately 40,000,000 pounds. Italy took less than 19,000,000; much less, indeed. The figures last above given show the amounts which left this country, 6,500,000 pounds of which never passed Gibraltar. It is further to be observed that France got but 2,000,000 pounds in August, as against 17,500,000 in the same month of the preceding year; 2,700,000 in Sep-

tember, 1914, as against 13,400,000 for the same month in 1913; and 5,800,000 in October last as against 10,900,000 in the corresponding month of 1913. France fell short of her normal importation during the three months last mentioned, as compared with the same period of 1913, 37,238,120 pounds. Either the industries using unwrought copper were paralyzed by the war or the peril of entering her ports was so great as to amount to an embargo. The Italian merchants might reasonably expect to drive a thriving business with French customers in view of the impossibility of supplying their needs through dealers in their own country. Switzerland had no way of providing herself except through the Italian markets. Normally her supply came in large part from Germany. Neither Belgium, Germany, nor Austria got any copper from us during the three months in question. The entire wine country was obliged to look to Italy. It will be borne in mind that until the 21st day of September copper was not even conditional contraband and was not declared absolute contraband until the 29th day of October. Intervening those dates copper might have been, without offense, introduced at a German port unless it was intended for Government use in connection with the war, and so might be sent to that country through an Italian gateway or made the subject of traffic in Italian cities for use in the arts of peace in Germany. Indeed, under the doctrine announced in the cases heretofore reviewed, our dealers are at perfect liberty to sell in good faith to Italian merchants even munitions of war, though they may know that the consignees intend to sell them in turn to the German Government. If the sale is bona fide to a neutral, it is of no consequence that he intends to dispose of it to a belligerent. Prior to the present war, at least since international law had a being, this principle has never been questioned by any juriconsult.

There was, accordingly, abundant reason to regard the Italian market as a most inviting one, even though the chance of selling to German or Austrian buyers for any purpose should not be considered. As the price had fallen to the level of the cost of production—11 cents—the Italian dealer had nothing to lose and everything to gain in buying freely. With the disaster that had come upon them by the destruction of the enormous German and Dutch markets, our operators were eager to sell even at the low price offered to avert, as far as possible, the distress that would come to the families of the miners from a complete shut down. It may even be that each in his eagerness to meet the demands of what seemed an inviting market did not calculate accurately on what his rivals similarly actuated might send. It may be that the shipments were greater than the legitimate market would immediately absorb. Such a condition is not infrequent in trade. But it was impossible for a buyer to lose, though he might not realize as speedily as he expected to.

The bare fact that 22,000,000 pounds of copper were consigned to Italy in the month of October might justify Great Britain in signifying to that country that it would regard it as a friendly act if the exportation of copper to any belligerent nation should be prohibited. It afforded no justification for the indiscriminate seizure of American ships carrying copper to Italian ports.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I do.

Mr. HITCHCOCK. I understood the Senator to say that Italy, since the outbreak of the war, had prohibited the exportation of contraband of war to Germany.

Mr. WALSH. She has.

Mr. HITCHCOCK. And that she had included copper in the list.

Mr. WALSH. The Senator is correctly informed.

Mr. HITCHCOCK. Does the Senator state that that was done as an act of amity or friendship or at the request of Great Britain?

Mr. WALSH. Of course I have no information about that. I have suggested, a little farther along in my address, that practically all of these neutral nations took that course. It is perfectly obvious that it is to the disadvantage of their own trade and their own business and to the detriment of their own people; but I assume that they reached the conclusion that importations into their countries would be facilitated, perhaps, if they took that precaution.

Mr. HITCHCOCK. Then I want to inquire of the Senator whether a parallel would not exist in the United States, and if England at the present time is in any position to insist that the United States should not prohibit the transportation of contraband of war, arms, and ammunition to Great Britain and France?

Mr. WALSH. No country is under any obligation whatever, under the rules of international law, to take any steps, legal or otherwise, to prevent the exportation from its borders of any material, even contraband, conditional or absolute.

Mr. HITCHCOCK. I mention this because since I introduced a bill to prohibit the exportation of arms and ammunition to any country now at war with any other country with which the United States is at peace, the statement has been made in Great Britain, and cabled to the United States, that such an act by the United States at this time would be construed as an unfriendly act toward Great Britain, and would be construed as a practical breach of neutrality. Now, if such an act by the United States at this time would be a breach of neutrality, would not the same act committed by Italy against Germany have been a breach of neutrality?

Mr. WALSH. I should say, then, that the kingdoms of Italy, Holland, Denmark, Sweden, and Norway had all been guilty of a breach of neutrality, because they have all passed decrees or issued proclamations prohibiting the exportation of any contraband; not only such contraband as is referred to in the bill of the distinguished Senator from Nebraska, but contraband of any character whatever.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. May I ask the Senator whether the inhibition which he says Italy has placed upon exportations of copper to Germany applies as well to the dual monarchy, Austria-Hungary?

Mr. WALSH. The prohibition applies to all the belligerent countries.

Mr. O'GORMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH. Gladly.

Mr. O'GORMAN. In referring to the decrees or orders promulgated by Italy, Norway, Denmark, and several other European countries as to the export or import, perhaps, of contraband, did I understand the Senator to say that they permit or that they prohibit?

Mr. WALSH. They prohibit the exportation.

Considering the plight of her people, Italy did, by royal decree, issued immediately upon the breaking out of the war, prohibit the exportation of copper. This decree applied to a great many articles, but permitted the free transit through that country of imports destined to places beyond its borders. With a view to removing any just ground for apprehension and to relieve the embarrassment under which her consumers were laboring in consequence of the seizures which had taken place, a further decree was issued on November 13, providing in substance that "all goods the exportation of which from Italy is forbidden can not be reshipped abroad or through transshipment once they have arrived at an Italian port or the bill of lading indicates Italy as their destination, declared at the origin, or if it fails to contain any specific destination."

Similar action has been taken by the Governments of Switzerland, the Netherlands, Denmark, and Norway, and recently by Sweden. The embargo in the case of Italy extends even to cereals, and the rigor with which it is being enforced is evidenced by a dispatch appearing in our press of Monday, the 28th, telling of the arrest of a gentleman of some prominence charged with conspiring to export grain to Germany.

The inconclusive, even shadowy, character of the fact that our exports of copper to Italy have increased, the force of the considerations advanced leading to the conclusion that a largely increased demand for copper in that country is to be expected, received some elucidation, if any were necessary, in the course of the debate in Parliament on November 17 last. Some member, under the influence of hysteria, perhaps not uncommon in England, induced by some incidents of the war, called attention to the very great increase in exports of coal from that country to neutral countries, neighbors of Germany, as exhibited by the following table:

Coal.	September, 1913.	September, 1914.
Great Britain to Holland.....	154,000	276,000
Great Britain to Denmark.....	275,794	405,842
Great Britain to Sweden.....	394,314	633,546
Great Britain to Norway.....	174,000	233,754

He advanced the idea that British coal was getting into Germany through these countries, and called attention to the fact

that the country represented by the premier was a heavy producer of that commodity. At this distance the debate reads as if the remarks of the right honorable gentleman carried a mild imputation that the prime minister was blind, but, of course, innocently blind, to the fact that his immediate constituents were profiting by a trade through which the enemy of his country was supplying itself with contraband.

It is interesting to note the response made by Mr. Asquith, the prime minister, on behalf of the Government. Setting out with the remark that some of the matters mentioned were "of a very delicate kind," he expressed the opinion that the increase in the exports of coal from Great Britain to Scandinavian countries was not so much due to, and, indeed, was "not due at all," to their "being ultimately destined to Germany as to the fact that these countries were deprived for the time being of the supplies they have been accustomed to receive from the enemy country." In this relation he adverted to the fact that the county of Fife, a part of which he represented, was "a great coal-exporting county," sending out coal "to various parts of the world." One of their main competitors had, he said, been Westphalian coal, and as the export of this had practically ceased it was "not unnatural that Scandinavian countries should resort to us in Fife and other parts of the United Kingdom to make good the supply" which had been cut off. In that way there had, he declared, been a large increase in our export to them, but he doubted very much whether "any substantial part" had been "reexported to Germany."

His people may freely ship coal to Holland, Denmark, Norway, and Sweden, though it has been on the list of conditional contraband from the beginning of the war. Copper leaving our shores, even before the proclamation declaring it conditional contraband was issued, is seized and is still detained, after the lapse of 90 days without any effort to obtain an adjudication against it. This unreasonable delay leads naturally to the conclusion that the proceedings are not pressed because the authorities are convinced that no English court will undertake to assert and justify, in the face of the world, a rule of international law upon which a judgment of confiscation can be upheld.

Sir William Scott stands in the front rank among the men whose talents have given brilliancy and glory to the bench in England. In respect to experience in administering and knowledge of the law of prize he, perhaps, surpassed all others. In the case of the *Madonna del Burso* (4 Rob., 169), a ship that was seized by a revenue cutter in the month of November, 1797, rendering judgment, he said:

It does not appear that any proceedings were commenced against this ship or the valuable cargo which she contained until the latter end of February, 1798; that is, for the space of above three months. However justifiable the seizure may have been, the first obligation which the seizer has to discharge is that of accounting, why he did not institute proceedings against this vessel and cargo immediately, and unless he can exculpate himself with respect to delay in this matter he is guilty of no inconsiderable breach of his duty. It would be highly injurious to the commerce of other countries and disgraceful to the jurisprudence of our own if any persons, commissioned or noncommissioned, could lay their hands upon valuable foreign ships and cargoes in our harbors, and keep their hands upon them, without bringing such an act to judicial notice in any manner for the space of three or four months. The complaints which such a conduct tolerated by this country would provoke against it from foreign countries are not to be described; and it is not very easy to suggest how the real honor of the country, connected as it is with its justice, could be defended against such complaints.

And then he added that "a belligerent nation which is in the exercise of the rights of war is bound to find tribunals for the regulation of them" in which neutrals have the "right to speedy and unobstructed justice." It was advanced that—the mass of business under which this court was then laboring so choked up the avenues to justice that the cause, if entertained by the court, could not have been heard for a considerable time.

But this excuse he dismissed with the remark that—

It is no secret that this court has never thought it a breach of that equal justice which it owes to all suitors to suffer a cause to be interposed that from its magnitude of interests or other circumstance of just weight had a peculiar claim to precedence.

The mere denial of the plain right to a speedy adjudication by a prize court in the case of the seizures which are the subject of these remarks, expansive and annoying as it is, is not so important here as is the significance it carries touching the attitude and purposes of the English Government with reference to further shipments of like commodities.

Some of the copper seized was purchased by the authorities of the belligerent power making the capture at the current price in the English market, and with reference to that detained the hope is held out that if it is finally released damages will be paid after the war is over. These features are only feebly in mitigation of the wrong. The English market was presumably supplied already with what it could absorb, and the arrival of considerable quantities understood to be likely to go upon the market upon decrees of condemnation or to be appropriated by the



Government for its needs could not fail to depress the price. No damages awarded after the war can compensate for an unlawful seizure, and particularly in the case of a series of such seizures. Drafts are ordinarily drawn against the shipments. These, being returned, must be met, to the financial embarrassment of the consignors. But, worse, shipowners refuse to take copper for transport, lest their vessels be overhauled, deflected from their usual route, and detained indefinitely in some English port.

I am informed that the Norwegian-American Line, plying between the ports of Norway and the United States, the stock of which is largely owned in this country, refuses to take any merchandise on the British lists of contraband, preferring to lose the freight rather than run the risk of being ordered into an English harbor.

Underwriters decline to take copper as a risk and war insurance is unobtainable. The act passed at the last session of Congress is unavailable to shippers of copper, the bureau insisting, and perhaps wisely, upon a clause in the policy which practically exonerates the Government should the shipment be seized, even when actually destined to a neutral country and for consumption therein. At least the liability under the policy tendered is involved in so much obscurity because of the ambiguity of the policy that shippers prefer to take the risk themselves. The trade with particular dealers and consumers in the neutral countries which our merchants have severally built up is gone unless their demands can be supplied as they arise.

Those affected by the seizures are entitled, first, to have their property released forthwith or to have an immediate adjudication by the prize court; second, a judgment therein upon the recognized principles of international law; third, a cessation of indiscriminate seizures upon bare suspicion of a proscribed destination.

Harried as it has been, our commerce with the neutral nations of Europe has not developed as it might be expected that it would in consequence of the war. Some recent shipments of copper to Sweden were detained, and upon inquiry the explanation was made that Sweden had not yet laid an embargo upon the exportation of that metal. A new principle is thus introduced into the law of nations, namely, that a belligerent may confiscate goods declared by it as contraband when shipped by a neutral to a neutral that has not prohibited its exportation. But even such a precaution on the part of Italy carried no assurance of exemption and was disregarded.

Sweden was persuaded to the same course, and with additional precautions—to be referred to—shipments went forward. Now news comes that on December 28—Monday last—two ships, the *New Sweden* and the *Socland*, bound for ports of that country, were turned in to English ports and relieved of their copper freight, the former carrying 730 tons and the latter 600, though in each case a certificate went with the shipment from the Swedish minister at Washington reciting that the copper was intended for consumption in Sweden.

Searching for some ground upon which to assign a German destination for shipments ostensibly going to Italian ports, it was deemed sufficient proof that the bills of lading ran to the order of the shipper. The advantage of issuing bills of lading in that form, even when the consignment has been sold, is obvious. The consignee may not be in a position to take the goods on arrival and some other disposition may be made of them if the bill is to the order of the consignor. The practice is an established one in many lines. It is general in the copper trade. As a rule, that metal is, and for many years has been, sold for the producers in the great marts of the world by selling agencies, who dispose of it on commission. They customarily ship to their own order, even when the consignment has already been sold. Finding the pursuit of this time-honored custom afforded a pretext for a seizure, it was discontinued, but the captures went on just the same.

The *Ascot*, from New York to Genoa, sailed October 10, carrying 300 tons of copper consigned to order, but intended for delivery to Brown, Borari & Co., Baden, Switzerland. It was held at Gibraltar.

The *Regina d'Italia*, New York to Genoa, sailed October 15, carrying 200 tons of copper consigned to order, but intended for delivery to U. Vedorelli, Milan, Italy. It was held at Gibraltar.

The *Palermo*, Boston to Genoa, sailed October 20 with 200 tons of copper consigned to order, but intended for Schweitzer Metallwerke, Thonne, Switzerland. It was held at Gibraltar.

The consignors learning that complaint was made because the bills of lading ran "to order" felt they might have freedom by changing it. Accordingly they sent out by the *Sif*, New York to Gothenberg, October 30, 400 tons of copper, sold and consigned

to B. Ursells, Efterfoelger (successors), Stockholm. It was held at Glasgow.

The *Sigrun*, New York to Malmoe, sailed November 5 with 400 tons of copper, sold and consigned to the same party. It was turned into Newport, England, where it is held.

The *Tellus*, New York to Genoa, sailed November 17, carrying 200 tons of copper, sold and consigned to U. Vedorelli, Milan. It was seized and is held at Gibraltar.

It would be exhibiting the virtue of candor, at least, if the Government of Great Britain should declare that it is her purpose to starve Germany, so far as copper is concerned, however the neutral nations may fare or the laws of nations may be wrenched, or even defied, in the process.

It may be a matter of supreme unconcern to the military authorities of that country that little children cry for bread in Butte, Mont., or in Bisbee, Ariz., that she accomplish that end; but if she values the good opinion of the people of the United States who, as a whole, are not at all unfriendly to her cause, but who are not equally indifferent to the want her policy imposes here, she will hearken to the kindly admonition of the President and restrain the activities of her navy, so far as our commerce is concerned, within lines that her own great law givers, at least, have laid down.

In the course of negotiations resulting from similar aggressions toward the close of the last century, Jefferson, then Secretary of State, in a letter to Mr. Pinckney, our representative at the English court, said that Great Britain might "feel the desire of starving an enemy nation, but she can have no right of doing it at our loss nor of making us the instrument of it."

Some degree of circumspection might be expected in the exercise of her undoubted rights, some delicacy in asserting them in view of the fact that the course which has been pursued is obviously to the advantage of her fabricators of copper as against those of competing neutral nations. If shipments of copper to Italy and the Scandinavian countries can be shut off or seriously embarrassed, the English market, the only free, untrammelled one to which our surplus can go in any quantity, is continually glutted. The price of raw copper is continually depressed there, while it is unduly expensive in the rival countries. Her manufacturers enjoy a distinct advantage in the purchase of their raw material. Then, the supply on the Continent being precarious, and the possibility of workers in copper and its compounds being able to fill orders promptly, being likewise involved in doubt, the English factories capture the market. The copper trade in England is in a most thriving condition. The assertion is made upon the authority of a circular-printed market report, issued under date of Friday, November 27, 1914, by Henry R. Merton & Co. (Ltd.), of London, dealers in metals, and reputed to be advisers to the Government in respect to purchases of them, from which circular the following is quoted:

So far as refined copper is concerned, the business done has been good and the tone strong. Manufacturers have been ready buyers, so that dealers have been able to dispose of satisfactory quantities, whilst the principal producers have been much stiffer in their attitude. The present consumption of copper in this country, as well as in France, is evidently on quite a large scale, and, in addition, a good demand is reported for sulphate at higher prices, makers being now well sold ahead.

This roseate view is fully confirmed by the statistics. For some reason the market for sulphate, as reported by Merton, seems to be exceptionally good. While but 374 tons of that commodity were exported from Great Britain in August, and 300 tons in September, 407 tons went out in October and 739 tons in November. Of manufactures of copper, Great Britain exported in August 988 tons, and but 591 in September, but in October the output of the preceding month was nearly doubled, 1,160 tons leaving her shores, and in November 1,191 tons.

Another story comes from Italy: The five largest consumers of copper in that kingdom—Corradini, Naples; Schiapparelli, Turin; Unione, Genoa; Trafilurie and the Metallurgica, Leghorn—have all been embarrassed in their operations, some of them running intermittently, because copper bought by them was impounded at Gibraltar. Unione is the largest producer of copper sulphate in Italy, using annually from 6,000 to 7,000 tons of copper.

The steamer *Italia*, referred to in the list heretofore given, carried, among other items, 100 tons of Arizona pig copper—bessemerized, a quality suited to the manufacture of sulphate of copper—consigned by the United Metals Selling Co. for the account of Schiapparelli, Turin. It carried also 336,197 pounds consigned by the American Smelting & Refining Co. to their order and sold to the same purchaser. The first-mentioned lot, with two others of like amount, sold to two other Italian manufacturers, was released and forwarded. The other is still held at Gibraltar. The fact may not be without significance that

either it chanced that the United Metals Selling Co. sold, or it took the precaution to sell, through English merchants.

Notwithstanding the embargoes generally in force, ships will not take cargoes from American merchants without a certificate from the ambassador or minister of the country to which they are to go, upon cable advice from his home government, reciting that the copper is for neutral consumption. These annoying formalities seem to be unessential in the case of shipments ordered by English houses to be forwarded to neutral ports.

What is needed now is the release of every detained shipment against which a *prima facie* case of guilt can not be made out, carrying with it an assurance to the trade that so long as it is honest it is safe. The American people will be very patient with respect to the case or cases, so much talked of and written about, of copper bars concealed in cotton bales. The 9,000 tons of copper now at Gibraltar were not concealed in cotton bales. The consignments all showed on the ship's papers, in the regular and usual way, as did one unloaded at Marseille, likewise much advertised as being underneath a cargo of oats. Copper is convenient ballast, and goes regularly to the place where it will best subserve that purpose.

There will be very general satisfaction whenever any dishonest shipper, who resorts to the arts of the smuggler to introduce his wares into the forbidden territory, gets caught in the act. His activities naturally cast suspicion upon honest trade and subject it to more rigid and annoying search than would otherwise perhaps be made. But the practices of those who endeavor to conceal the true nature of their goods that they may surreptitiously find their way into a belligerent country have no bearing upon the question of the detention of wares such as those which are the subject of these remarks, with respect to which there is no claim that there was any effort at concealment. In the case of nearly all the recent seizures the departure of the cargo was made public through the official formalities of which mention has been made. The consignments were forwarded by firms of high standing in this country, as well as abroad, as they were in the case of every seizure listed, and to houses of equally high character in the countries to which they were respectively bound.

So our people will wait with patience the determination of the question as to whether copper can be made by the *ipse dixit* of any single nation absolute contraband. That question will arise in some case in which the proof establishes that the destination shown by the manifest and bills of lading was simulated, and that in fact it was Germany or Austria, but it does not appear that the prize was for warlike use. The claim that she may make it such is put forth in good faith by Great Britain, and we must await the slow process of law and diplomatic negotiation to try it out.

And so in every case in which a reasonable probability of a proscribed destination appears or a "vehement suspicion" is aroused, though Sir William Scott considered even that insufficient to justify confiscation, there will be no complaint on this side of the water and no commiseration for the shipper who sought to enrich himself by contraband traffic. So far as the determination of the case depends upon disputed questions of fact, his cause will be a private lawsuit in which the public have no particular concern. But it will be the duty of our Government, as I conceive it will be recognized as a duty by every Government among the family of nations outside of Great Britain, when the questions presented by these seizures are being solved, to bend every effort to maintain the integrity of the law governing neutral trade as it has been developed through three centuries of struggle for freedom. A further extension of the list of absolute contraband is announced in a proclamation just issued, as follows:

Ingredients of explosives, including nitric acid, glycerin, acetons, calcium acetate, and all other metallic acetates; sulphur, potassium nitrate, fractions of distillation products of coal tar between benzol and cresol, inclusive; aniline, methylaniline, dimethylaniline, ammonium perchlorate, sodium perchlorate, sodium chlorate, barium chlorate, calcium nitrate, mercury.

Resinous products. Camphor and turpentine (oil and spirit). Ferroalloys, including ferrotungsten, ferromolybdenum, ferromanganese, ferrovandium, ferrochrome.

Tungsten, molybdenum, vanadium, selenium, cobalt, manganese, wolframite, scheelite, molybdenite, manganese ore, zinc ore, lead ore, bauxite.

Alumins and salts of aluminum.

Antimony, together with sulphides and oxides of antimony.

Copper, part wrought, and copper wire.

Submarine sound-signaling apparatus.

Tires for motor vehicles and for cycles, together with articles or materials especially adapted for use in manufacture or repair of tires.

Rubber, including raw waste and reclaimed rubber, and goods made wholly of rubber.

It is scarcely to be doubted that these lists are thus swelled in order to accomplish the economic ruin of Germany rather

than because of the fact that the commodities included in them will be used, if imported, in the prosecution of the war.

Neutral rights will be reduced to a very shadow of their former selves if there shall eventually prevail the following rules proclaimed by the order in council of the 29th day of October, 1914, namely:

(i) A neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(ii) The destination referred to in article 33 of the said declaration shall (in addition to the presumptions laid down in article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy State.

(iii) Notwithstanding the provisions of article 35 of the said declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order" or if the ship's papers do not show who is the consignee of the goods or if they show a consignee of the goods in territory belonging to or occupied by the enemy.

(iv) In the cases covered by the preceding paragraph (iii) it shall lie upon the owners of the goods to prove that their destination was innocent.

And to this I beg the earnest attention of this body:

2. Where it is shown to the satisfaction of one of His Majesty's principal secretaries of state that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette and shall operate until the same is withdrawn. So long as such direction is in force a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

The bare fact that goods bound for a neutral port were consigned "to order" makes them subject to seizure, and unless the owner shall come forward and prove to a hostile court that their destination was innocent, they are subject to confiscation.

In the Nassau cases the fact that the bills of lading were made to "order or assigns" was adverted to with a multitude of other facts, all going to establish the simulated character of the voyage. Perhaps no one ever before thought that such a circumstance ought alone to shift the burden of proof. But it will be noted that the same paragraph makes conditional contraband liable to seizure if the consignee is in territory belonging to or occupied by the enemy. This rule obliterates all distinction between absolute and conditional contraband, save that in the case of the latter the owner may exculpate himself by showing a purpose to devote the goods to an innocent use. In practice it is as impossible, under such a rule, to carry on a traffic with a belligerent in conditional contraband as it is in absolute contraband, and it was intended that it should be. But under subdivision 2, above quoted, our commerce in foodstuffs, clothing, fabrics for clothing, including cottons of all kinds, hides, materials for telephones and telegraphs, with any neutral nation, is at the mercy and is now carried on with the gracious permission of any one of His Majesty's principal secretaries of state. Let me read it again:

2. Where it is shown to the satisfaction of one of His Majesty's principal secretaries of state that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette, and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

Senators will understand that cotton as well as foodstuffs have been declared conditional contraband. All meats, all cereals are within that designation. Now, if one of the secretaries of state of the Government of Great Britain should declare that Germany is drawing supplies for its army from Italy every ship leaving our ports for an Italian port with any of those commodities—meat, grain, cotton—is subject to seizure and her cargo to confiscation.

Unless this declaration is a mere fulmination, intended to be held *in terrorem* over the nations of the earth who have no concern in the present titanic conflict except of infinite compassion for the afflicted peoples involved, it is time they should be awake to its supreme importance. A learned Italian writer, in a contribution to the press, appearing in our journals of Monday, December 28, 1914, breathing a most friendly spirit toward Britain, declared: "Strictly speaking, no foreign vessel can leave a port without England's consent." He asserts that though British naval supremacy has for more than a century ruled the world, "the weight of this rule has not been felt, as England used her power with moderation." On the 12th of September last the good ship *Nieuw Amsterdam*, of the Holland-American Line, from Rotterdam to New York, was directed by an auxiliary of the English fleet in the Channel to dismantle her wireless. She acquiescently complied. The officers of the Norwegian-American Line received a polite note that the open ocean



between Scotland and Iceland was dangerous, on account of mines, and that if they would only send their ships through the Channel (where they could be conveniently searched) the navy would send a pilot that like dangers there might be avoided. They understood and complied, though they took the risk of German mines in those waters, of the location of which, presumably, the English authorities were not well advised.

The neutral nations of the Continent have concluded that, on the whole, it would facilitate the entrance of goods into their ports if they laid an embargo on the exportation of contraband, obviously lest it should get to Germany.

I have not dwelt on the just causes of complaint given to our shippers of foodstuffs and cotton to neutral ports. I know nothing of them in detail, but I do know that there never was a day when shipments of cotton from our shores to any port should have been interrupted, save for the want of vessels in which to carry it, and there is no achievement in any arrangement by which they have been finally permitted to move.

No blockade has ever been declared, and yet it is notorious that such cotton as goes to Germany goes with the permission of England.

The Declaration of London expressly proclaimed what is the common sense of mankind, that cotton should not be declared contraband of war by any nation.

The epigrammatic observation of the Italian author referred to may be mere rhetoric. The British Government might well avoid a course calculated to make it appear as an offensive fact. There is no sentiment of hostility or animosity in the United States toward Great Britain, save in sporadic cases of no consequence, in the sum total of the national disposition. God grant that our relations may always remain friendly. The feeling engendered by the aggressions complained of is akin to the surprise and regret experienced by one who has been cruelly wronged by a friend and who remains confident that a personal explanation and candid conference will wipe out all differences and bring a speedy reparation. It is in this spirit the American people await the result of the well-timed note of the President to our ambassador to St. James.

#### REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDING OFFICER (Mr. SWANSON). The pending question is on the amendment of the Senator from New Jersey [Mr. MARTINE], on which the yeas and nays have been ordered. The amendment will be stated for the information of the Senate.

The SECRETARY. On page 8, strike out lines 10, 11, and 12 and the word "Provided," in line 13, as follows:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*.

Mr. NORRIS. Mr. President, I am one who believes in the restriction of immigration. I know it is one of the principal objects of this bill to restrict immigration, and yet I regret very much that the method of restriction adopted in the bill seems to be the only one to which we will be permitted to give serious consideration. It seems to me that those who are behind the bill have adopted a method of restriction that is to a great extent obnoxious; at least it seems that way to me.

I dislike very much to restrict immigration by prohibiting immigrants otherwise qualified from entering our ports on the ground of the test provided in the bill or any similar test. The Immigration Commission that for several years gave a great deal of attention and study to this question—and I presume have given us more detailed information of the subject than was ever gathered together before in the history of the world—have suggested various methods by which immigration could be restricted.

I am not going to enter, Mr. President, upon any argument or discussion as to why I am in favor of restricting immigration. That is a question upon which a great deal might be said both ways. For the present, in the few remarks that I shall make, I content myself with the simple statement that, agreeing, as I believe I do, with a very vast majority of the American people and of the Representatives both in this body and in the House, I believe we ought, for our own benefit and the good of posterity to restrict immigration. That that has been the idea of the commission and of Congress I believe there can be no doubt. But the illiteracy test has been adopted, and while it is conceded by those who advocate it that it will often result in great injustice and that it is arbitrary in its nature, yet the results accomplished will be the same as though other methods were adopted. I presume it is true that the results obtained will restrict immigration. That the application of this test will restrict immigration and that it may be the means

of keeping out immigrants whom it would be desirable to keep out by any other test I have no doubt. Yet it is grating on my conscience to prevent an immigrant from landing on our shores simply because he can neither read nor write.

The commission, as I said, suggested several methods by which immigration could be restricted. I wish to read them. Beginning on page 47 of volume 1 of the report of the commission, they are as follows:

1. The exclusion of those unable to read or write in some language.
2. The limitation of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years.
3. The exclusion of unskilled laborers unaccompanied by wives or families.
4. The limitation of the number of immigrants arriving annually at any port.
5. The material increase in the amount of money required to be in the possession of the immigrant at the port of arrival.
6. The material increase of the head tax.
7. The levy of the head tax so as to make a marked discrimination in favor of men with families.

Those who have drafted this bill have selected the first method designated by the commission. In my judgment, they ought to have selected the second method, to wit:

The limitation of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years.

While I am not an expert, and have not given nearly as much attention to the subject as others, particularly those who were members of the commission, in conversation with members of the commission who have made this very exhaustive study I am informed that the second method suggested would result, first, in limiting immigration to the same extent as it will be limited by the first suggestion and the one adopted in the bill; and, second, that it would keep out the same class of people, immigrants coming from the same sources, as will be kept out by the illiteracy test.

We have several exceptions in the bill, but there is one in particular of which I want to speak. It is that those who are escaping or attempting to escape from religious persecution, if otherwise qualified under the bill, shall not be excluded on account of the illiteracy test. I voted for each of the several amendments that have been voted on to-day to include in that exception other designated classes of people. To my mind there can be no logical reason given why we should permit a man to land because he is escaping or seeking to escape from religious persecution and yet exclude the man or the woman who is trying to escape from political persecution. It seems to me that to be logical we ought to exclude them both or include them both. For my part I should like to permit both those classes to land.

As I said, I voted for that amendment and the others similar to it that gave the measure a larger scope; but inasmuch as I favor the limitation of immigration and believe in limiting it, and having, as I believe, voted for and resorted to all the methods permitted under parliamentary procedure to bring about the admission of such classes as I believe ought to be exempted from the test and having failed, I can not bring myself to the conclusion that I ought to support the pending amendment offered by the Senator from New Jersey, because that would, in effect, eliminate, as I understand it, the real object of the bill, which is to restrict immigration.

I felt, Mr. President, that I ought to make this much of an explanation, inasmuch as I voted for the other amendments and intend to vote against this one. I shall vote against taking the test out of the bill, because it seems to be the only thing in the bill that will restrict immigration. I believe it will have the effect of keeping out undesirable people, although I very much dislike to resort to that method to keep them out, and I would not do it if there were any parliamentary or legislative escape from such a course.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment of the Senator from New Jersey [Mr. MARTINE], and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I announce my general pair as before and its transfer to the Senator from Tennessee [Mr. SHIELDS]. I vote "nay."

The roll call was concluded.

Mr. JAMES. I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Kansas [Mr. THOMPSON] and vote. I vote "nay."

Mr. REED (after having voted in the affirmative). I voted without announcing the transfer of my pair. I make the same announcement that I made on previous votes.

I desire to state that my colleague [Mr. STONE] is necessarily absent from the city, being detained by illness in his family. This announcement may stand for the day.

Mr. OVERMAN. I was requested to announce that the Senator from Virginia [Mr. MARTIN] is absent on account of sickness in his family. He is paired with the senior Senator from Illinois [Mr. SHERMAN]. If the Senator from Virginia were present, he would vote "nay" on this amendment.

Mr. CRAWFORD. I will transfer my general pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN], who is detained from the city on important business. If he were present, he would vote "yea."

I also desire to announce my own pair with the senior Senator from Missouri [Mr. STONE]. In his absence I withhold my vote.

Mr. DILLINGHAM. I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not.

Mr. DILLINGHAM. Having a pair with that Senator I transfer it to the Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. WALSH. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is necessarily absent from the Senate. He is paired with the Senator from Rhode Island [Mr. COLT].

Mr. NORRIS. I was requested to announce that the senior Senator from Kansas [Mr. BRISTOW], who is unavoidably absent, would vote "nay" if present. He is paired.

Mr. BORAH. I desire to state that if my colleague [Mr. BRADY] were present he would vote "nay."

The result was announced—yeas 12, nays 47, as follows:

## YEAS—12.

Brandegee	Lewis	McLean	Ransdell
Clarke, Ark.	Lippitt	Martine, N. J.	Reed
La Follette	McCumber	O'Gorman	Walsh

## NAYS—47.

Ashurst	Gronna	Oliver	Smith, Ga.
Borah	Hardwick	Overman	Smith, S. C.
Bryan	Hughes	Page	Smoot
Burton	James	Perkins	Sterling
Chamberlain	Johnson	PoinDEXTER	Sutherland
Clapp	Jones	Pomerene	Swanson
Crawford	Kern	Robinson	Thomas
Cummins	Lane	Root	Thornton
Dillingham	Lodge	Shafroth	Townsend
Fletcher	Myers	Sheppard	White
Gallinger	Nelson	Simmons	Williams
Gore	Norris	Smith, Ariz.	

## NOT VOTING—37.

Bankhead	du Pont	Owen	Stone
Brady	Fall	Penrose	Thompson
Bristow	Goff	Pittman	Tillman
Burleigh	Hitchcock	Saulsbury	Vardaman
Camden	Hollis	Sherman	Warren
Catron	Kenyon	Shields	Weeks
Chilton	Lea, Tenn.	Shively	Works
Clark, Wyo.	Lee, Md.	Smith, Md.	
Colt	Martin, Va.	Smith, Mich.	
Culberson	Newlands	Stephenson	

So the amendment of Mr. MARTINE of New Jersey was rejected.

Mr. REED. I move to amend the bill by adding, after line 9, on page 8, the following:

All aliens not of the Caucasian race.

If that language is adopted, the bill will read:

That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens not of the Caucasian race.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Missouri.

Mr. REED. Mr. President, there has been a great deal said in the Senate about the purpose of this bill. It has been frankly avowed by its sponsors that it is intended as an exclusion bill. They have disavowed any purpose, however, to exclude the peoples of northern Europe, who they declare to be qualified by every test, including the literacy test, for citizenship in the Republic. They undertake to justify the literacy test by claiming that the application of the literacy test will largely exclude certain undesirable races who come from Asia, and a great deal of the sentiment in favor of this bill is engendered by the fact that there have come to our shores in recent years people who belong to races that we all recognize are of an entirely different civilization from ours.

There has been a considerable immigration into the United States very recently of black-skinned people; there has been some considerable immigration of people belonging to the Malaysian races. Those people will never amalgamate them-

selves into the body of the American population, in my opinion. If this amendment is accepted, I intend to follow it by other amendments, each to be passed upon, of course, upon its own particular merits, directly excluding the inhabitants of all those countries who by civilization and by nature are alien to our civilization and to our system of government. And that, Mr. President, in my judgment, is the way this bill of exclusion ought to be drawn.

Mr. ROBINSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. ROBINSON. Has the Senator from Missouri considered the effect of his amendment upon treaties heretofore ratified by the Senate with certain foreign nations? Has he taken into consideration, further, the fact whether this would constitute an abrogation of some of the treaties now existing?

Mr. REED. Yes, Mr. President, I have taken into consideration the fact that we have certain treaties that would necessarily be amended if this provision were written into the bill; but if we have made certain bad treaties we must take the first step if they are ever to be abrogated. If we are now to reverse all of the principles which have been a part of our public policy for a hundred years and in consonance with which those treaties were made; if, instead of opening the doors of this country and making this an asylum for the oppressed of other lands, we are to close the doors and adopt a policy of exclusion, then we ought to adopt that policy bravely and courageously, and we ought to state it to the world, taking the consequences, and modifying our treaties, if necessary, to conform to the new policy.

Mr. HARDWICK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield to the Senator from Georgia.

Mr. HARDWICK. Suppose those treaties provide that certain notice shall be given before they are either abrogated or amended, would it not be our duty to give that notice before we undertook to abrogate them in this offhand manner?

Mr. REED. Well, Mr. President, I think there are none of them that can not be changed within the four months' period limited in this bill.

Mr. HARDWICK. If the Senator from Missouri will pardon me, the point I want to get at is, has the Senator looked into that question to see for what notice those treaties themselves provide?

Mr. REED. Not into all of them. We can cross that bridge when we come to it. If we find on an examination of the treaties that we must give a little longer notice, we can provide it before we are through the discussion of this bill.

Let no one undertake to avoid the responsibility of a vote upon this principle, because there may be six or seven months' more notice necessary to be given than is provided for by the provision of the bill, which is four months—for that much time is allowed—because, if that is the reason, we can very readily extend the period when we come to that clause in the bill. I am very anxious to know whether the sponsors for this bill really mean to go up and face the question of exclusion. I am willing to go with them in the best of faith, for I have believed for many years that there were certain tribes on this earth that ought not to be permitted to come to this country at all. So, Mr. President, I offer this amendment, and upon it I ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Missouri, upon which he asks for the yeas and nays. Is the call for the yeas and nays sustained?

Mr. SMITH of Georgia. I ask that the Secretary again state the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 8, after line 9, it is proposed to insert the words:

All aliens not of the Caucasian race.

Mr. POINDEXTER. Mr. President, in connection with the amendment offered by the Senator from Missouri [Mr. REED] I present, and ask leave to have listed as a petition, a letter from a citizen of the State of Washington, including certain newspaper articles, pointing out the agricultural and industrial competition of the Japanese race in the State of Washington. It is pertinent to the amendment which has just been proposed by the Senator from Missouri. While presenting this letter and the articles, which I do not ask to have printed in full—

The PRESIDENT pro tempore. Does the Senator from Washington desire to have them printed in the RECORD?



Mr. POINDEXTER. I do not. I simply present the letter as a petition, and say that I hope the amendment offered by the Senator from Missouri will be adopted.

Mr. CRAWFORD. Mr. President, it seems to me that an amendment like this, if it is really to be acted upon by the Senate with any possibility of its receiving a majority vote of this body, ought to receive more consideration before a roll call is had upon it than has been given to it here now. I may be attaching undue importance to the amendment, but, in my opinion, its gravity, should it be seriously considered and acted upon here, its possible consequences, are such that all the rest of the bill would become comparatively insignificant, and so I hope that we are not in a sort of hasty, flippancy way going to call the roll upon so important an amendment as this.

Mr. President, I do not know where the little volume came from, but a few days ago I found a book on my desk which contained a symposium of monographs written by leading representatives of the Japanese Empire. I have read all of them. I do not know when I have read in recent years a series of statements that have so profoundly impressed me as did those. Their broad intelligence, and even generous spirit, the insight that the writers of those various monographs have into these very complicated questions, not only from their standpoint and within their environment and provincialism, but also from ours, were a revelation to me, and the broad kindliness, the comprehensive intelligence displayed, the spirit, and the attitude were such that it seems to me we would be meeting it in a very meager way here by a hasty vote upon such a proposal as this. I hope the matter will be seriously considered if there is any possibility of its receiving substantial support.

Mr. LODGE. Mr. President, I think before passing on this amendment it would be well to note precisely what is meant by "Caucasian." What races would the amendment exclude? There are some races in Europe, I think, that would not come under the definition of "Caucasian," and I think it is important for us before we adopt an amendment of this sweeping character to know just what class of immigrants would be excluded. Perhaps the Senator from Missouri can enlighten us.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. SMITH of South Carolina. I should like to make a brief statement as chairman of the committee. The committee, under all of the circumstances in perfecting this bill, both in its selective and restrictive features, have gone just as far in accordance with our treaties and in accordance with our customs as they thought it was good policy to go.

I hardly think it would be pertinent at this time, if it would be pertinent at any time, to introduce an amendment of this sort, in view of the terrible conditions that exist in those countries from which a large proportion of our immigration comes, and running, as it does, in direct conflict with treaty stipulations. I do not think that the time of the Senate should be taken up with a complication such as this would give rise to. In view of the fact that the major part of the debate has been to the effect that the bill is too restrictive, it seems strange that it is now proposed by one fell swoop to let in a few on one side and exclude all the poor, suffering, and downtrodden human beings that we have heard so much about on the other.

Mr. LODGE. Mr. President, I call attention to what is said in the dictionary as illustrating what I meant. I was not myself prepared to say offhand what peoples the insertion of the word "Caucasian" would include or exclude; but I note under the heading of "Finns"—and we have a great many Finns in this country, and they are a very excellent immigration—the following definition:

A branch of the Mongolian race, inhabiting northern and eastern Europe, including the Magyars, Bulgarians, Permlans, Lapps, and Finlanders.

This amendment would exclude Magyars, who compose the best half of the population of Hungary, and would exclude the Finns and the Bulgarians. Of course it would keep out most of the Mexicans except a few of Spanish blood, including Villa. [Laughter.] That last statement I do not offer as an objection; but I do call attention to these European races, of whom we have many in this country to-day, who for the most part are excellent citizens. We surely do not want to make a sweeping provision of this sort that would exclude them under the technical definition of the dictionary.

Mr. REED. Mr. President, does the Senator mean to say that the dark-skinned races who have migrated to this country are mostly good citizens?

Mr. LODGE. No; I referred to the Finns, to the Magyars, and to the Bulgarians, of whom there are many in this country.

Mr. REED. The Senator says they make good citizens?

Mr. LODGE. That is my impression, from what I have seen of them.

Mr. REED. Now, if they make good citizens, why has this bill so carefully been drawn to exclude foreigners? If those people make good citizens, then, surely, nearly all—

Mr. LODGE. The bill does not exclude them. The Finns, I may say, incidentally, have about the lowest percentage of illiteracy of any people who come here.

Mr. REED. Mr. President, the Standard Dictionary gives this definition of "Caucasian":

A member of the white division or branch of the human species; one of the anthrochroic or melanochroic groups—

I frankly say I do not understand that. I would have to follow it up; but I do understand this language—

including nearly all Europeans, both Semitic and Aryan; an Indo-European.

It is proposed to exclude those races who do not belong to that class of human beings known as Caucasian. "Caucasian" includes substantially all of the European races, according to this author.

Mr. LODGE. Nearly all?

Mr. REED. Nearly all.

Mr. LODGE. But it excludes those of whom I have just read from the dictionary.

Mr. REED. I am not in favor of permitting to come into this country to become a part of our citizenship any kind of people except white people. The statement was made here a moment ago in some side remarks that there was an effort being made now to restrict immigration by those who have been opposed to restriction. The statement has been made repeatedly, on this floor by those who have opposed the literacy test that they did not regard that as a proper test; that they were in full accord with the thought of excluding undesirables; but that it did not follow because a man could not read and write that he was an undesirable; and the statement has been made repeatedly by some of us, at least, that we were willing absolutely to exclude undesirable races—those people who by habits of thought, by the very character of their civilization, by all the laws of heredity, by disposition, and by education, belong to a class of people who never can in the proper sense of the word become citizens of a Republic.

No one desires to say anything, particularly upon this floor, of a harsh nature regarding the Chinese; yet they were excluded as a race. They were excluded because we believed they were incapable of becoming factors of strength in the American Republic. The reason which is back of the limitation as to the Chinese applies to all of the other races that are not included within the term "Caucasian." I undertake to say that the Finn is of the Caucasian race. He is a white man.

Mr. SMITH of Georgia. Surely the Bulgarian is.

Mr. REED. The Bulgarian is. The Hungarian is, although there may be a proportion of the population of Hungary that are so nearly of the direct blood of the Huns, who overran that country many centuries ago, that it is possible that part of the population of Hungary might be excluded. This, of course, would include the Japanese.

I say, again, that if there is any difficulty about the treaties I will cooperate in a further amendment postponing the operation of this clause until a sufficient time shall have elapsed under our treaties so that they may be changed in accordance with their terms; but I say now that it is my opinion that this bill as it is now drawn violates the spirit, if not the letter, of many of our treaties.

This tenderness for treaties is not the trouble here to-day, in my judgment. It is because we prefer to do by indirection that which we have not the courage to do by direction. We propose to pass an exclusion bill, but to do it not as an exclusion bill but by means of an educational test.

Mr. ROOT. Mr. President, without going into the broader merits of this proposal, we may assume that the terms used in the amendment are not safe terms of legal definition.

The amendment affects our relations with many countries, and to legislate in terms of which we have not a clear and definite understanding would be most unfortunate. The ordinary sense of the word "Caucasian" certainly does exclude many persons whom the Senator from Missouri does not intend to exclude. Even if, after mature deliberation, we were of the opinion that the races that would be included in this amendment upon any definition should be excluded, and had satisfied ourselves by clear and definite terms adapted to accomplish that purpose, nevertheless the purpose should be accomplished after having examined the treaty obligations which we have to the many nations that would be affected, and after having adapted our legislation to accomplish our purpose without the violation of

obligations or the wounding of feelings or the causing of resentment; not in this way, by a sweeping amendment, couched in indefinite terms, proposed and acted upon within but a very few minutes.

The PRESIDENT pro tempore. The Senator from Missouri calls for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. CRAWFORD (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. REED (when his name was called). I make the same transfer that I have made on previous votes and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to my colleague, the junior Senator from Kentucky [Mr. CAMDEN], and will vote. I vote "nay."

Mr. DILLINGHAM. I observe that the senior Senator from Maryland [Mr. SMITH] is not here. I transfer my pair with that Senator to the junior Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. LODGE. My colleague [Mr. WEEKS] is absent and paired as has just been announced; but if present, on this question he would vote "nay."

The result was announced—yeas 9, nays 47, as follows:

#### YEAS—9.

Hardwick	Martine, N. J.	Reed	Thomas
Jones	Poindexter	Smith, Ga.	Vardaman
Lane			

#### NAYS—47.

Ashurst	Gore	Norris	Smith, S. C.
Borah	Gronna	Oliver	Smoot
Brandeggee	Hughes	Overman	Sterling
Bryan	James	Page	Sutherland
Burton	Johnson	Perkins	Swanson
Chamberlain	Kenyon	Pomerene	Thornton
Clapp	Kern	Robinson	Townsend
Clarke, Ark.	Lee, Md.	Root	Walsh
Crawford	Lodge	Shafroth	White
Cummins	McLean	Sheppard	Williams
Dillingham	Myers	Simmons	Works
Fletcher	Nelson	Smith, Ariz.	

#### NOT VOTING—40.

Bankhead	du Pont	McCumber	Shields
Brady	Fall	Martin, Va.	Shively
Bristow	Gallinger	Newlands	Smith, Md.
Burleigh	Goff	O'Gorman	Smith, Mich.
Camden	Hitchcock	Owen	Stephenson
Catron	Hollis	Penrose	Stone
Chilton	La Follette	Pittman	Thompson
Clark, Wyo.	Lea, Tenn.	Ransdell	Tillman
Colt	Lewis	Saulsbury	Warren
Culberson	Lippitt	Sherman	Weeks

So Mr. REED's amendment was rejected.

Mr. REED. Mr. President, I move to amend the bill by adding, after the ninth line on page 8, the following:

All members of the African or black race.

On that I ask for the yeas and nays.

Mr. WILLIAMS. Mr. President, before the yeas and nays are granted upon that amendment I wish to say a few words.

When the immigration bill was up in the last Congress I offered an amendment precisely to the intended effect of this one. We are beginning to receive now some very undesirable immigration of the African race from the West Indies. A great many Jamaican negroes have been employed upon the Panama Canal; and after the termination of that work, having become accustomed to American wages, which they received down at Panama, a great many more of them begin to come to the Gulf ports. Florida and Louisiana have already received a considerable proportion of African immigration from the French and English West Indies; that is to say, immigration of West Indians who are wholly or partly Africans in race.

When this bill was up before I gave the statistics and showed how this West Indian negro immigration was increasing from year to year. Now, I am very much in favor of this bill. I am very much in favor of the principle which this bill represents. I am very much in favor of excluding undesirable immigrants from the United States. You have already a law whereby you exclude Chinese. Chinese are as much superior to negroes as can be, almost. You have a gentlemen's agreement with Japan by means of which you exclude Japanese.

A moment ago, when the Senator from Missouri offered his amendment excluding "all not of the Caucasian race," I voted against it, of course, because everybody who knew what the word "Caucasian" meant knew that it did not mean white, or it did not mean excluding undesirable and admitting desirable races. It would have excluded the Finns; it would have excluded the Laplanders; it would have excluded the Magyars, or what we call the Hungarians; it would have excluded a good many other people of European race, and it would have excluded some white people who are in Asia.

But I say now that you can not have free institutions grounded upon anything in the world except a homogeneous race. You can try it all you please, but you simply can not have it. You have got to have a population which is at least potentially assimilable in lawful wedlock. If you do not have a population all elements of which are potentially assimilable in lawful wedlock, then you have in the very midst of the Republic a disintegrating force, undemocratic, unrepugnant. You will have your choice, in certain sections of the country overpopulated by these heterogeneous elements, between either sacrificing your civilization to them or sacrificing your democracy to prevent them from sacrificing your civilization.

We already have negroes enough in the South. We do not want any more. I, for one, would be very glad if there were some scheme whereby, without injuring them in any degree, without doing them injustice in any degree, they could go somewhere else, of their own free accord, and to that extent solve this great problem.

Mr. President, there is another thing: The West Indian negro, as a rule, is a man who is accustomed to political and social equality, because the races intermarry in the West Indian Islands; and every West Indian negro who comes to the South comes with that idea in his mind and becomes a source of race conflict and a source of race oppression upon the white man's part, or an invitation and temptation to it, which is as bad for the white man as it is for the negro. The worst thing about having a lot of people together in the same community where one race insists upon its superiority is not the oppression of the inferior, but it is the invitation to tyranny upon the part of the superior. Whether that be the greatest trouble or not, it is at least a trouble equal to the other one.

I thought I would make these few remarks because I intended later on to introduce an amendment which would prohibit the immigration into this country of foreign-born negroes, as you have already prohibited the immigration of Chinese, infinitely superior to Africans, and as you have already, by a gentleman's agreement at any rate, substantially put an end to Japanese immigration.

The Japanese has proven himself, in arts of peace and in arts of war, the equal of the white man; yet we exclude him, and I think we are right in doing it, and I think Japan is right in recognizing our right to do it, because it is not a question of superiority and inferiority; it is a question merely of unassimilability—of racial difference so great that assimilability in wedlock is not to be expected.

Mr. SUTHERLAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Yes.

Mr. SUTHERLAND. I sympathize with a good deal that the Senator from Mississippi has said, and I wish to ask him a question. Can the Senator tell us whether or not there are any immigrants of the class he mentions now coming into the country?

Mr. WILLIAMS. Oh, yes. I placed in the RECORD, when this bill was up before, the reports on the subject. This debate takes me by surprise to-day, and I do not remember them, but I placed them in the RECORD. While there is not a very vast multitude of them who have come thus far, they have been increasing very rapidly from a small beginning; and we may expect, after the laborers on the Panama Canal have lost their places, to receive a still larger increase upon the increase than we have had of an increase upon the original immigration.

Mr. SMITH of South Carolina. Mr. President—

Mr. SUTHERLAND. There is one other question I want to ask the Senator.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. WILLIAMS. I have yielded to the Senator from Utah, and until he is through I can not yield to any other Senator. Then I will yield to the Senator from South Carolina.

Mr. SUTHERLAND. I have not quite concluded. Another question I desired to ask the Senator was whether or not the undesirable immigrants of whom the Senator speaks would not be excluded under the illiteracy test?



Mr. WILLIAMS. A great number of them; a majority of them; I think in most of the islands over half, and in the English islands very nearly half. Again I am sorry that I have not the exact figures.

Mr. SMITH of South Carolina. Mr. President—

Mr. SUTHERLAND. Just a moment. Does not the Senator think that in view of the illiteracy test contained in this bill the number of negroes who could be admitted would be negligible?

Mr. WILLIAMS. No; not negligible. I think the number of negroes that could be admitted and would be admitted would be very materially decreased by the literacy test.

Mr. DILLINGHAM. Mr. President—

Mr. WILLIAMS. Very materially indeed; over half, I believe.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. The Senator from Mississippi declines to yield at present.

Mr. WILLIAMS. But the others, owing to the peculiar conditions in the South, would be the flame carriers.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi now yield to the Senator from South Carolina?

Mr. WILLIAMS. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. I have before me the figures on the African race furnished up to June 30, 1914, the end of the fiscal year, by the Immigration Department for the whole United States, giving as well the number of illiterates that came. The whole number for the fiscal year ending June 30, 1914, was 8,447; the number of illiterates was 1,805; the percentage of illiteracy was 23.3.

This is what I was attempting to give when the Senator from Utah was interrogating the Senator from Mississippi, in order that we might understand clearly just what is the situation with regard to that matter.

Mr. WILLIAMS. Mr. President, having heard those figures, I confess myself somewhat surprised. My own impression was that a majority of the West Indian negroes could not read. It seems from this that only 23 per cent of those of them who came into the United States could not read. That is perhaps owing to the fact that the very best element—I mean by that the intellectually highest element—of the West Indian negroes comes to the United States, rather than the most inferior of them. I know that that percentage of illiteracy does not prevail in the West Indies themselves, where it is higher than 23 per cent.

The Senator will find, if he will go further into those figures, if he has them all before him, that since this immigration started in it has increased; and while the number of those who are coming now is not very large, as I said a moment ago, the increase each semidecade is a considerable percentage.

Mr. SUTHERLAND. I understand from the figures just quoted by the Senator from South Carolina that there were admitted into the United States something over 6,000—

Mr. SMITH of South Carolina. Eight thousand.

Mr. SUTHERLAND. I had not finished—something over 6,000 negroes who would not be excluded under the illiteracy test.

Mr. WILLIAMS. Yes; and that would be 77 per cent of the entire African West Indian immigration that came during the year the Senator quoted, whatever that year was.

Mr. SUTHERLAND. If the Senator will permit me just another word before I take my seat, so far as I am concerned I do not want to see the negro problem in this country added to; and for that reason I shall vote in favor of the amendment proposed by the Senator from Missouri.

Mr. WILLIAMS. Mr. President, I am glad to hear that. Twenty-odd years ago, in the House of Representatives, when the people of the Pacific slope came to Congress to stop Chinese immigration into the United States, I said to them: I am going to vote with you. Whenever we have asked your sympathy, you have denied it to us. When we have asked you for bread, you have given us a stone. When we have told you that we were of one blood with you, you have practically denied it by your conduct. You have undertaken to put an inferior race upon an exactly equal footing with us politically. You have done that as far as you could, and you have gone further, and you have sought to put them socially upon an equality with us.

"Now, independently of the question of superiority or inferiority," I then said, "there is a difference, which Lincoln recognized and which every man of sense must recognize, that prevents assimilability in lawful wedlock; and that is the key to this problem. If that does not exist, there can not be homogeneity of race; there can not be homogeneity of pur-

pose; there can not be homogeneity of ideals; and there can not be a common patriotism. There may be a dual patriotism, but it can not be a common one."

I said then: "Notwithstanding the manner in which you have treated us year after year, I do not propose to inflict you with a race problem like that from which my people have unavailingly sought to free themselves." I did not blame them, because they had not put the problem upon us. It was the common crime of a Yankee negro-selling and a southern negro-buying ancestry. I have never contended that the southern negro-buying ancestor was a bit less guilty than the northern negro-selling ancestor; but it was a problem upon which it seemed to me we could appeal to white men of a common ancestry everywhere throughout the United States, and especially to those on the Pacific slope and in the Rocky Mountain States. We of the South could say to them: "We are of the same blood. We are of the same race. We are of the same traditions. We are of the same ideals. We have the same family Government, which no other race knows except ourselves." We are one. Whether we be Italians or French or Germans or English or Scotch or Irish or Swedes or Norwegians in our white ancestry, we are one; but the minute these other people come in we so-called Americans become two or three or four—whatever it may happen to be. And that is not all. We are not only two or three or four when they come, but we remain two or three or four forever, because no matter how long these unassimilable races are here, we never become one, and can not become one without sacrificing things of great importance, without lowering our very race itself—not its standard, not merely its thought and its civilization, but its blood itself.

I sought to get an amendment almost identically the same upon the last immigration bill, and proposed to offer it at this time later on, and had mentioned it to some of my friends; but the Senator from Missouri has offered it in this shape, and I want to vote for it, although I think it could be better worded.

I say, gentlemen, you can not stand consistently before the American people and tell them that you vote for Chinese exclusion while you vote for African admission, when you know and I know and they know that the Chinaman is of a very superior race to the African.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. REED] calls for the yeas and nays on the pending question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Again announcing my pair with the senior Senator from Missouri [Mr. STONE], who is unavoidably absent, I withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], which I transfer to the Senator from Idaho [Mr. BRADY], and vote "nay."

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. JAMES (when his name was called). Making the same transfer as upon the last roll call, I vote "yea."

Mr. REED (when his name was called). I wish to announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Alabama [Mr. BANKHEAD]. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri [Mr. REED], and that if the senior Senator from Michigan were present he would vote "nay" on this proposition.

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT] and in his absence refrain from voting.

I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is necessarily absent and that he is paired with the Senator from Rhode Island [Mr. COLT].

The roll call was concluded.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA] and withhold my vote.

Mr. GALLINGER (after having voted in the negative). I observe that my pair, the junior Senator from New York [Mr. O'GORMAN], has not voted. I transfer my pair with that Senator to the senior Senator from Pennsylvania [Mr. PENROSE] and allow my vote to stand.

I wish to announce that the Senator from Wisconsin [Mr. STEPHENSON], who is necessarily absent, is paired with the Senator from Indiana [Mr. SHIVELY].

Mr. LODGE. My colleague [Mr. WEEKS] is absent and his pair has been announced. I desire to state that if my colleague were present he would vote "nay" on this amendment.

Mr. WILLIAMS. Before the vote is announced I wish to say that I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE]. I forgot to make the announcement, but considered myself at liberty to vote in consequence of a telegram which I explained on the last vote. I ask that the announcement I made then may stand for the balance of the day to prevent me from going through with this statement every time.

Mr. OLIVER. In view of the statement just made by the Senator from Mississippi [Mr. WILLIAMS], I desire to state that by the transfer of the pair of the senior Senator from New Hampshire [Mr. GALLINGER] my colleague [Mr. PENROSE] stands paired with the junior Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 29, nays 25, as follows:

## YEAS—29.

Ashurst	Johnson	Sheppard	Thornton
Borah	Kern	Simmons	Vardaman
Bryan	Lee, Md.	Smith, Ariz.	White
Chamberlain	Martine, N. J.	Smith, Ga.	Williams
Clarke, Ark.	Myers	Smith, S. C.	Works
Fletcher	Overman	Sterling	
Hardwick	Polindexter	Sutherland	
James	Reed	Swanson	

## NAYS—25.

Brandeggee	Hughes	Nelson	Shafroth
Burton	Jones	Norris	Smoot
Clapp	Kenyon	Oliver	Thomas
Cummins	Lane	Page	Townsend
Dillingham	Lewis	Perkins	
Gallinger	Lodge	Pomerene	
Gronna	McLean	Robinson	

## NOT VOTING—42.

Bankhead	du Pont	Newlands	Smith, Md.
Brady	Fall	O'Gorman	Smith, Mich.
Bristow	Goff	Owen	Stephenson
Burleigh	Gore	Penrose	Stone
Camden	Hitchcock	Pittman	Thompson
Catron	Hollis	Ransdell	Tillman
Chilton	La Follette	Root	Walsh
Clark, Wyo.	Lea, Tenn.	Saulsbury	Warren
Colt	Lippitt	Sherman	Weeks
Crawford	McCumber	Shields	
Culberson	Martin, Va.	Shively	

So Mr. REED's amendment was agreed to.

Mr. MARTINE of New Jersey. Mr. President, while the Senate is wrestling with these problems of immigration I have this comforting news to proclaim to the men who are so opposed to immigration. In the Evening Star of to-day I find the following:

Immigration drops; more aliens quit United States—

Rejoice! Rejoice!

New York shows 45 per cent fewer incoming foreigners in 1914.

There is an array of figures here that I will not read. Then it goes on to say that—

Immigration officials and representatives of the immigrant aid societies explain the falling off in immigration, aside from the war, which is the chief factor, as being due to the curtailing of work in the United States and to an effort on the part of foreign countries to restrict emigration by providing work at home and bettering the condition of their working classes.

So rest your souls in peace and glory in being free from the possibility of immigration, and glorify yourselves to your hearts' taste that you shall have in the near by America for Americans.

Mr. REED. Mr. President, I offer an amendment. After the amendment just adopted, I move to add:

Or Turks.

The PRESIDENT pro tempore. The Senator from Missouri offers an amendment, which the Secretary will read.

The SECRETARY. On page 8, after line 9, and after the amendment just agreed to, insert the words "or Turks."

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. REED. I offer the following amendment, to be added immediately after the amendment just adopted:

All Turks and East Indians.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Missouri.

Mr. REED. Mr. President, I desire to be heard on this amendment.

The PRESIDENT pro tempore. The Senator from Missouri will proceed.

Mr. REED. It seems to me, Mr. President, upon an important measure of this kind the Senate ought to be willing to permit a roll call. The yeas and nays are not asked for the purpose

of any delay. They are asked for the purpose of determining by record the individual opinions of Senators.

I would really like to know, and I think the country would really like to know, whether the Senate as a body or Senators as individuals believe a man of the Caucasian race, born and reared in Europe, who believes in the kind of home life we believe in, who believes in the kind of government, at least very largely, we believe in, should be excluded simply because he can not read and write, and those same Senators yet be unwilling to exclude men of alien races, whose presence in this country has recently produced riot, and whose presence in Canada just north of us has produced great disturbance.

I hope that the Senate will accord a ye-and-nay note upon this question. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. REED. I think I shall have to address the Senate upon this amendment.

The PRESIDENT pro tempore. The Chair will put the request again, if it pleases the Senator.

Mr. REED. I should be glad if the Chair would do that.

The PRESIDENT pro tempore. The Senator from Missouri asks for the yeas and nays on the amendment proposed by him.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE] and withhold my vote.

Mr. DILLINGHAM (when his name was called). Making the same announcement and transfer as on the last vote, I vote "nay."

Mr. FLETCHER (when his name was called). I make the same announcement as before as to my general pair with the Senator from Wyoming [Mr. WARREN] and its transfer to the Senator from Tennessee [Mr. SHIELDS]. I vote "nay." I will let this announcement stand on all subsequent votes.

Mr. JAMES (when his name was called). Again transferring my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to my colleague [Mr. CAMDEN], I vote "nay."

Mr. WALSH (when his name was called). I announce my pair with the Senator from Rhode Island [Mr. LIPPITT] and therefore refrain from voting.

I also announce that the Senator from Delaware [Mr. SAULSBURY], who is necessarily absent, is paired with the Senator from Rhode Island [Mr. COLN].

The roll call was concluded.

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from North Dakota [Mr. McCUMBER] and vote. I vote "nay."

The result was announced—yeas 10, nays 43, as follows:

## YEAS—10.

Ashurst	Hardwick	Martine, N. J.	Vardaman
Borah	Jones	Reed	
Chamberlain	Lane	Thomas	

## NAYS—43.

Brandeggee	Hughes	Oliver	Smith, S. C.
Bryan	James	Overman	Smoot
Burton	Johnson	Page	Sterling
Clapp	Kern	Perkins	Sutherland
Clarke, Ark.	Lee, Md.	Polindexter	Swanson
Crawford	Lewis	Pomerene	Thornton
Cummins	Lodge	Robinson	Townsend
Dillingham	McLean	Root	White
Fletcher	Myers	Shafroth	Williams
Gallinger	Nelson	Sheppard	Works
Gronna	Norris	Simmons	

## NOT VOTING—43.

Bankhead	Fall	Newlands	Smith, Ga.
Brady	Goff	O'Gorman	Smith, Md.
Bristow	Gore	Owen	Smith, Mich.
Burleigh	Hitchcock	Penrose	Stephenson
Camden	Hollis	Pittman	Stone
Catron	Kenyon	Ransdell	Thompson
Chilton	La Follette	Saulsbury	Tillman
Clark, Wyo.	Lea, Tenn.	Sherman	Walsh
Colt	Lippitt	Shields	Warren
Culberson	McCumber	Shively	Weeks
du Pont	Martin, Va.	Smith, Ariz.	

So Mr. REED's amendment was rejected.

Mr. REED. Mr. President, I desire to state that it has been my purpose to offer amendments excluding certain other kindred races, but the Senate has fully expressed its opinion in regard to this matter and I shall not take its time now to do so. I offer the following amendment: On page 5, line 14. I move to strike out the words "admit their belief in the practice of polygamy" and to insert in lieu thereof "believe in, advocate, or practice polygamy."

Mr. President, just a word in explanation. There are two different phraseologies employed in various places in this bill. In one case we find that it requires that the immigrant shall



admit his belief in a certain doctrine; in the other case the fact that he does believe in a certain doctrine is all that is required. Let me illustrate what I mean by this exact sentence, which I am now attacking, by the sentence that follows. Going back to the beginning of section 3, it reads:

That the following classes of aliens shall be excluded from admission into the United States.

Then follow a large number of classes, the exclusion relating to diseased people, and so forth. Then comes the language:

Persons who have been convicted of or admit having committed a felony.

Then:

Polygamists, or persons who admit their belief in the practice of polygamy.

The next language is:

Anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States.

Any persons who admit that they believe in it and persons who believe in it. I am attacking the same character of language with reference to the polygamists that we apply to the anarchists, and which is applied at various other places in the bill to various other classes.

No man who believes in the practice of polygamy or in any act unlawful under our Government, and who advocates it, ought to be permitted to come into the United States, and the Government ought not to be required to admit him simply because he does not admit his belief. That ought to be a matter of proof as to him, as it is as to anarchists or as to other people who do not intend to obey our laws.

Mr. SMITH of South Carolina. Mr. President, I am glad the Senator from Missouri has called the committee's attention to that. The chairman of the committee will accept the amendment.

Mr. REED. Very well.

The PRESIDENT pro tempore. The amendment will be accepted without objection.

Mr. SUTHERLAND. Mr. President, I did not quite hear what the Senator from South Carolina said.

Mr. SMITH of South Carolina. I said that, as chairman of the committee, I accept the amendment.

Mr. SUTHERLAND. Mr. President, I do not think the chairman of the committee can conclude the matter for the Senate.

The PRESIDENT pro tempore. The Senator from Utah is right about that.

Mr. SUTHERLAND. I want to say a word about it before the matter is disposed of.

Mr. SMITH of South Carolina. I want to state to the Senator from Utah that I have modified my expression, and said that, as chairman of the committee, for the committee, I accept the amendment. As a matter of course, I did not propose—

Mr. SUTHERLAND. I am not certain that the Senator can accept it for the committee.

The PRESIDENT pro tempore. Not in the face of objection by a Senator.

Mr. SUTHERLAND. The Senator from South Carolina can accept it for himself.

Mr. President, I am opposed to this amendment. I am just as much opposed to polygamy or the practice of polygamy as is the Senator from Missouri or any other Senator here, but I know there are people in this world who theoretically believe in polygamy, but who in this country would not dream of practicing it and who would not dream of advocating it. There have been a large number of people in my own State in former years who not only believed in polygamy, but who practiced it; but that practice has been abandoned, yet I venture to say that there are many people there to-day who, as a merely theoretical proposition, may believe in it, and they are, notwithstanding, very good people. The polygamists of that State who not only believed in it, but who practiced it in former years, outside of that one objectionable thing, were among the best citizens of the country. I do not think that a test of this kind ought to be put into an immigration bill, a test which seeks to probe the conscience of the individual as to a mere abstract belief.

The provision that is in the bill to-day—those "who admit their belief in the practice of polygamy," or who practice it—has been the law for a great many years, and I am not aware that any harm has resulted from the enforcement of the law in the terms in which we find it.

Mr. REED. Mr. President, I simply have a word to say. I am not offering this amendment out of any desire in the world to raise a religious question or to hurt the feelings of any person, but if it is right to exclude a man who admits that he believes in polygamy—and that is the language of the bill—then it is not the admission of the belief that constitutes the objec-

tion; it is the belief itself; and the possession of such a belief ought not to be determined only by what a man admits to an immigration inspector, but it ought to be determined as is any other question of fact.

Mr. SUTHERLAND. Mr. President, if the Senator will pardon me a moment, I will call his attention to the fact that the language of the bill is "admit their belief in the practice of polygamy," which is a very different thing from admitting a belief in polygamy. They do not believe in the practice of it.

Mr. REED. Mr. President, I have a great deal of charity in my heart for those people who, because of what I regard as a very false teaching, believe in the practice of polygamy, and who, in accordance with that belief, did practice it in the United States. The Government, however, has acted upon that practice and it is now prohibited within the borders of this land.

The question we are now passing upon is the desirability of immigrants. It has been repeatedly said here that immigrants have no God-given or natural right to land on our shores. You propose to exclude a man who believes in every principle of morals, who has lived an upright life from birth until he arrives at our ports, who comes here with the intention to obey every law of this land, who is sound in body and in mind, simply because through misfortune or for some other cause he was unable to learn to read. Now, I want to say that, applying those rules, people who believe in or who practice that which is prohibited by the law of the land ought not to be admitted, and they should not be admitted any more because they deny the truth than they should be excluded because they admit the truth. It is not a proper test. So, Mr. President, with those remarks I am willing to submit the question, so far as I am concerned, but I ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment, and then the Chair will put the request for the yeas and nays.

The SECRETARY. On page 5, line 14, it is proposed to strike out the words "admit their belief in the practice of polygamy" and insert "believe in, advocate, or practice polygamy," so that the clause will read, "or persons who believe in, advocate, or practice polygamy."

Mr. REED. I ask for the yeas and nays on the amendment.

Mr. BORAH. Mr. President, I want to say a word upon this matter before it goes to a vote. I represent in this body in part a large number of people who may be said to be in a way interested in this question for the reasons suggested by the Senator from Utah [Mr. SUTHERLAND], a people who at one time preached and practiced polygamy. A number of years ago they renounced the practice of polygamy in the most solemn and positive way that a people could, and it has been my belief that they have sought to live up to that renunciation. I have had occasion many times to defend their good faith, and I have done so in the full belief that that renunciation was sincere. They are a most worthy and desirable people from the standpoint of industry, of obedience to law, and of loyalty to the Government. In the thickly settled Mormon communities crime is almost unknown.

Mr. President, I am not willing by my vote to leave what I conceive to be an imputation upon the sincerity, the good faith, and the good citizenship of so many of my constituents. I think if they were called upon as a body they would support this amendment, and, representing, as I do, those people, and believing in them, believing that they acted in good faith, and are now acting in good faith, that this practice has been renounced and its belief no longer a part of their creed, I must vote to favor the amendment, although I doubt if in actual effect it will materially change the bill. If I vote in view of the way in which the question has been raised against the amendment, I leave the world to understand that ten or twelve thousand people in my State believe in that which is denounced by the laws of their country as a crime, that, while they do not practice it for fear of punishment, they nevertheless believe in it—that their renunciation was forced and insincere. That is not my understanding of good faith, and I must represent them as I believe them to be, a sincere and lawabiding people both in their hearts and their conduct, their minds and their practices. I take the responsibility of placing them in that light before the world by my vote.

Mr. SMOOT. Mr. President, I desire to say a few words in relation to this proposed amendment; and, in connection with it, perhaps this is just as good a time as any for me to let the Senate know the attitude of the church in relation to the practice of polygamy.

On April 5, of 1904, at one of the general conferences of the church held in Salt Lake City semiannually, at which there are always from 20,000 to 30,000 members of the church present, action was taken upon the question of the practice of polygamy.

Joseph F. Smith, the president of the church, in speaking at that conference said:

I am going to present a matter to you that is unusual, and I do it because of a conviction which I feel that it is a proper thing for me to do. I have taken the liberty of having written down what I wish to present in order that I may say to you the exact words which I would like to have conveyed to your ears, that I may not be misunderstood or misquoted. I present this to the conference for your action.

This is his official statement:

#### OFFICIAL STATEMENT.

Inasmuch as there are numerous reports in circulation that plural marriages have been entered into contrary to the official declaration of President Woodruff, of September 26, 1890, commonly called the "Manifesto," which was issued by President Woodruff and adopted by the church at its general conference October 6, 1890, which forbade any marriages violative of the law of the land, I, Joseph F. Smith, president of the Church of Jesus Christ of Latter-day Saints, hereby affirm and declare that no such marriages have been solemnized with the sanction, consent, or knowledge of the Church of Jesus Christ of Latter-day Saints; and

I hereby announce that all such marriages are prohibited, and if any officer or member of the church shall assume to solemnize or enter into any such marriage he will be deemed in transgression against the church and will be liable to be dealt with according to the rules and regulations thereof and excommunicated therefrom.

JOSEPH F. SMITH,

President of the Church of Jesus Christ of Latter-day Saints.

They charge us with being dishonest and untrue to our word. They charge the church with having violated a "compact," and all this sort of nonsense. I want to see to-day whether the Latter-day Saints representing the church in this solemn assembly will not seal these charges as false by their vote.

President Francis M. Lyman presented the following resolution, and moved its adoption:

In this connection I want to say that Francis M. Lyman was and is at present the president of the quorum of twelve—

#### RESOLUTION OF INDORSEMENT.

"Resolved, That we, the members of the Church of Jesus Christ of Latter-day Saints, in general conference assembled, hereby approve and indorse the statement and declaration of President Joseph F. Smith, just made to this conference, concerning plural marriages, and will support the courts of the church in the enforcement thereof."

The resolution was seconded by a number of presidents of stakes and prominent elders.

The resolution was then adopted by unanimous vote of the conference.

Mr. President, perhaps I can explain better than anyone present, to the Senator from Missouri and to other Senators, how the amendment would affect immigrants who are members of the church. One of the articles of faith of the church is "that we believe the Bible to be the word of God." The Bible, particularly the Old Testament, sanctions polygamy; and if a Mormon were asked, "Do you believe in the Bible?" he would say, "Yes." Perhaps the immigrant, a member of the church, coming into this country who should be asked that question would have no other thought in his mind than a belief in the Bible.

I want to say to the Senator also that if the president of the church decided to reestablish the practice of polygamy to-day he could not do so. He would not think of undertaking it as long as the law of the land is against it. It is a thing of the past, and it seems to me that it is the wrong time to try to cast reflection—because I can not see it in any other light than as a reflection—upon a people who have in good faith, after the Supreme Court of the United States decided that polygamy was unlawful, in conference assembled agreed that it should not be practiced by the sanction of the church.

I do not want anyone to misunderstand me. There have been sporadic cases since the year 1890; but, as I understand, since the conference of the people passed upon this question, if there has been a single case that was known to the authorities of the church the offender has been excommunicated, just as this resolution stated he would be.

I do not want to ask any special privileges for adherents to my church. If immigrants believe in the practice of polygamy, I would say, "Bar them from the United States," but I do not believe they ought to be barred because of a belief in the Bible or a mere belief in a form of religion.

That is the situation of the Mormon people as I understand it, Mr. President. If the Senator from Missouri knew the true inward feeling and the true belief of the Mormon people, I do not believe he would for one minute try to keep that class of people out of the United States, for I want to say now that there is not a more honest, a more industrious, a more God-fearing or liberty-loving people in all the United States than you will find the Mormons to be.

Mr. ASHURST. Mr. President, inasmuch as this question has been presented, I feel that it would not wholly become me to sit in my seat at this particular time, in view of the manner in which the question was raised, and not say a word, for while I am sure no one in this Chamber intended to make any reflection upon a certain people large numbers of which are residents of my State, nevertheless the peculiar way in which the ques-

tion was raised by the proponent of the amendment might be construed to be some criticism of or thrust at those particular citizens.

Mr. President, until I was 9 years of age, other than my sister and my brothers, I had no playmates whatever except those who were members of the Mormon Church. I knew them in their boyhood and in their beautiful girlhood. A purer or more delightful company of playmates no youth ever knew. They were clean, wholesome, and God-fearing, and have grown up to be useful, honorable, industrious citizens of the State of Arizona.

I knew these boys and girls, of course, before the manifesto of 1890, and it was true that some of the older members of the Mormon Church at that time practiced polygamy, but no more so than many gentiles in some large cities practiced polygamy, except that the Mormons had the nerve openly to admit and support their wives, and those gentiles who practiced polygamy in the cities did not. When I grew to manhood I observed the frugality, the industry, the sobriety, and the honesty of the Mormon people. I presume that next to the State of Utah the State of Arizona has the largest so-called Mormon population, and they are a distinct credit to our State.

After the manifesto of 1890 polygamy or plurality of wives in Arizona among the Mormons ceased; that is to say, so far as the contraction of new or additional marriages was concerned. It was probably true that in some of the isolated parts of the then Territory, now State of Arizona, some of the older Mormons who had in previous years contracted polygamous marriages supported their wives after the manifesto of 1890, but I am within the bounds of truth and conservatism when I say—and I believe I possess some knowledge of the situation—that no polygamous marriages among the Mormons in my State have been contracted since the manifesto. I am very sufficiently convinced that if the hierarchy or the authorities of the Mormon Church should attempt as a policy, which I am certain they never will do—if they should attempt to resume the practice of polygamy, such a thing would not be received among the Mormons in my State, and the Mormons themselves would recoil from it and oppose it just as vigorously as would the gentiles.

Mr. THOMAS. Mr. President, the amendment offered by the Senator from Missouri is one which I think is designed to, and which does, supplement the recitals of the bill as reported from the committee without being aimed at any particular organization, either religious or secular. If I thought it was, I would not support it. Believing that it is designed for a proper purpose, I am constrained to do so.

I do not think the practice of or abstention from polygamy should be dependent either upon a manifesto or upon a church resolution. It should be prohibited and the prohibition enforced by the laws of the country. The comments of the Senator from Arizona [Mr. ASHURST] indicate to my mind the necessity of a somewhat comprehensive statute upon this subject if it be true that the practice is confined to no section of the country, but prevails as well in some of the large cities of the United States, and perhaps in some which are not so large.

Mr. President, I should not have said anything at all upon this subject but for the fact that reference has been directly made to the Mormon Church, and I should not have done so in that event but for the fact that in the recent campaign I received a circular, a political pamphlet, presumably from members of my own party, directed against the distinguished senior Senator from Utah, who was then a candidate for reelection. That pamphlet, very much to my surprise, not only criticized, but was inclined to abuse the Senator from Utah because of his failure at the time of his investigation to defend the doctrine. I thought it was very much to his credit, and I think so now, that he did not defend it, but the fact that such a circular, designed, of course, for political purposes, was being used in that campaign seemed to me to indicate that some legislation of this sort might be desirable. I say that, too, without intending to reflect upon the church to which the Senator belongs or upon any of its members. The thought which I have in mind is that a subject of this sort should be above and beyond any church declaration and based upon the laws of the country.

Mr. REED. Mr. President, I would not take the time of the Senate to say another word except for the remarks that have been made.

I do not believe there is a man in this Chamber, or in this city, or in this country, who has any more liberal views upon the matter of religious freedom than I have. I did not offer this amendment thinking it would provoke even a discussion. I did not bring it forward for the purpose of harassing the feelings of any person. It seemed to me that the language of the bill is inapt and that it does not produce the result its authors must have intended.



The language of the bill is that no one shall be permitted to come here who admits his belief in, or who practices, polygamy. That is the present language. All I desire to do is to change that language so that the admission of belief or failure to admit belief shall not be conclusive, but that the fact, like any other fact, shall be determined as a fact.

I call the attention of the Senate again to this circumstance: In the sentence immediately following the same test is applied that I now seek to apply to another class of people. Notice:

Polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow of government.

Not those who admit their belief in, but those who do believe in, the overthrow of government.

This is not a reflection upon those people who live in the State of Utah or elsewhere who have abandoned a practice that is now declared to be illegal. It has no application whatever to them. The bill itself proposes to exclude people who believe in polygamy, but the test in the bill is that they must admit it, not that it shall be a fact. I am simply seeking to make it a fact provable otherwise than by the admission of the immigrant; that is all.

I am very glad to hear from the Senator from Utah that there has been a conformity with the law. The Senator from Utah knows, I think, that when certain charges were sent to me recently, claiming that the practice had been continued, and that there had been absolute defiance of the law, I wrote in response to those charges and said that I did not believe that to be the fact. I remember speaking to the Senator once about the matter.

The whole question resolves itself into this: Suppose an immigrant comes here and says, "I believe in the practice of polygamy." He is excluded. He has been frank. Suppose another immigrant comes who does believe in the practice of polygamy, who does practice it, and who does advocate it, but who refuses to admit it. Should he be admitted? Manifestly not.

Mr. SUTHERLAND. Mr. President—

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. To which Senator from Utah does the Senator yield?

Mr. REED. I yield first to the junior Senator from Utah, because he first took the floor.

Mr. SUTHERLAND. The objection which I make to the Senator's amendment is not based upon his proposition to eliminate the word "admit," but is based upon his proposition to eliminate the word "practice." I would have no objection—I think nobody would have any objection—to leaving out the word "admit" and saying "who believe in or advocate the practice of polygamy."

Mr. REED. I did not leave the word "practice" out of my amendment.

Mr. SUTHERLAND. I beg the Senator's pardon. I will ask to have the amendment read.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Missouri.

The SECRETARY. On line 14 it is proposed to strike out the words "admit their belief in the practice of polygamy" and to insert "believe in, advocate, or practice polygamy."

Mr. SUTHERLAND. Yes; that is, believe in polygamy or advocate polygamy or practice polygamy.

Mr. REED. Yes.

Mr. SUTHERLAND. If the Senator would say "believe in or advocate the practice of polygamy or practice polygamy," I should have no objection to it; but I think there is a vital distinction, and, if the Senator will permit me, I think I can point it out to him.

The question of a man's belief rests in his own bosom. I may believe that some particular law is unwise. I may believe that the thing which the law inhibits ought to be permitted to be done; but that ought not necessarily to exclude me from the country, if I believe that the law, as long as it is in existence, ought to be enforced, and if I propose to conform my conduct to the law, and if I am opposed to anybody else breaking the law. We ought not to make the test a mere abstract belief in a doctrine.

Mr. REED. If the Senator will pardon me, if he will drop down to line 15 he will find that identical language is applied to the anarchist. Anyone who believes in anarchy can be excluded; anyone who advocates anarchy can be excluded. I am simply seeking to apply to the polygamist or the person who believes in polygamy the same language that is applied to the anarchist. You reach, in the second case, the matter of a belief, the matter of an opinion.

Mr. SUTHERLAND. The Senator may be right about that; but that does not alter the argument I am making. Because one part of the bill may be objectionable, it does not warrant us in making another part of the bill objectionable.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me a moment, I think the purpose of the Senator from Missouri is to prevent, if possible, the growth of that sentiment in this country. This does not affect the people who believe in polygamy who are now residents of the United States; but the purpose of the amendment, as I understand it, is to prevent the growth of that sentiment. While a man can not control his thoughts or his conclusions any more than he can the beating of his heart—he thinks as he must, not as he would—the purpose of this amendment is to prevent the growth of the population of America who entertain those views. I think it is a very proper amendment.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. SMOOT. I wish to say to the Senator from Missouri there would be no objection whatever by any member of the church nor could there possibly be objection if his amendment read "or persons who believe in the practice of or who advocate polygamy." Nobody would object to that. I told the Senator in a very few words the reason why, and the only reason why, I or anyone else could object to the words "believe in." I know, or I think I know, what the result will be to the Mormon immigrants if the proposed amendment is adopted. As I stated before, one of our articles of faith is "that we believe the Bible to be the word of God." In that polygamy is sanctioned, I can not see what is going to be gained by the proposed amendment if it means the same as the provision in the House bill, as Senators claim. If it means the same, there is no necessity for a change.

I would go as far as the Senator from Missouri or anyone else possibly could go to prevent any man or woman coming into the United States who believes in the practice of polygamy. I do not care how broad you make the language or how binding. I do not believe that anyone ought to be admitted into the United States who would advocate the practice of polygamy, and I do not care how strong or how broad the language is to accomplish that purpose. But I do not believe that it ought to go to a mere abstract belief in polygamy.

Mr. REED. Mr. President, if a man believes in polygamy, he believes in the practice of polygamy and he will sustain the practice of polygamy; and he will uphold the practice of polygamy the very moment he has the opportunity so to do. In parity with that, if a man believes in anarchy he believes in the practice of anarchy. He may not believe that this is the opportune moment to practice it, but he is a potential factor in our life who will manifest his belief by acts when the opportune time comes.

Mr. SMOOT rose.

Mr. REED. Now, just a word. I have yielded to the Senator and I will yield again in just a moment.

Mr. SMOOT. I will not ask the Senator to yield now.

Mr. REED. The Senator says if a man believes in the Bible he therefore believes in polygamy, and that an immigrant might be asked if he believed in the Bible, and if he said he did he might be excluded, because the Bible advocates polygamy, according to the Senator's theory.

Mr. President, nobody in the Senate except the Senator from Utah believes that any man is going to be excluded at the gates of this country who answers affirmatively the question "Do you believe in the Holy Bible?" but if that were an admission of the belief in polygamy he is already excluded by the terms of the bill as it now stands. The bill now says that a man who admits his belief shall be excluded, and if admitting that you believe in the Bible be an admission of a belief in polygamy then the immigrant would be excluded by the very test the Senator himself sets up.

I repeat, the question of difference is this: The bill says that a man who admits his belief in polygamy shall be excluded. I say the bill ought to read that a man who believes in polygamy should be excluded, whether he admits it or does not admit it. The Government should not be concluded by the simple statement of the individual. The fact ought to determine his admissibility, not his admission of the fact. If the Government could prove that he believed in polygamy, it ought to as effectually as an admission on his part that he believes in it. We are excluding them by the terms of the bill now for the doctrinal reason, for the opinion reason. The sole question is

whether that is to be determined absolutely and finally by the admission of the immigrant, or whether it is to be determined as a fact.

I repeat, take two men. One of them comes here and says, "Yes; I believe in the practice of polygamy." He is frank and truthful, and he is excluded. Another man says, "No; I refuse to speak upon it; I say nothing." And yet the Government can prove conclusively that he does believe in the practice. He comes in, while the frank man is excluded.

Mr. President, I ask for the yeas and nays on agreeing to the amendment.

Mr. ROOT. Mr. President, I really do not think that there is any practical difference in the effect of the two forms of words, those in the bill and those proposed by the Senator from Missouri. They are both designed to accomplish the same object, and I do not think there will be the slightest difference in the practical effect of them.

I do not think the proposal of the Senator from Missouri, which he thinks will make the prohibition stronger, is any reflection upon the people of Utah or the members of the Mormon Church, because we know that they have long since abjured the practice of polygamy. But I am going to vote for the amendment because the question has been raised here, and I would rather not have the people of the country get the impression that the Senate of the United States prefers to make a weak rather than a strong prohibition against the increase of polygamy in the country. I think the fact that the subject has been discussed and that there is a form of words which some Senators think will be more effective as compared with another form which they think will be less effective is in itself reason enough for selecting the stronger form.

Mr. WORKS. Mr. President, I shall not want to precipitate any religious discussion here, but it has been assumed as a fact that the Bible does teach polygamy. I have no doubt at all about the sincerity of the Senator from Utah [Mr. SMOOT] and his people in so construing the Bible, but I shall not want it to go out to the country that the Senate of the United States has admitted as a fact that the Bible does teach polygamy. For myself, I do not believe the Bible teaches any such thing.

Mr. SMOOT. Mr. President, just one word in answer to the Senator from Missouri [Mr. REED]. The Senator from Missouri made the statement that if a man believes in polygamy he would practice polygamy as soon as the opportunity offered itself. I know that there are men who believe in polygamy who would not practice polygamy when the law of the land prohibits it. One of the articles of the faith of the church is "that we believe in honoring, sustaining, and obeying the laws of the land." It does not make any difference whether the member is a resident of this country or any other country, he must honor and obey the laws of the land in which he lives.

I want to say to the Senator from Missouri that as long as the laws of the land are opposed to polygamy, and the highest court of the land has sustained the law, there is no good member of the Mormon Church who is going to violate that law. He may believe in the abstract principle of polygamy as sanctioned by the Bible. I do not refer to this to get into a controversy with anyone as to what the construction of the Bible may be upon that question, but I wanted the Senate to know the facts as they really exist.

Mr. President, there is one other matter which was brought to my attention by the remarks made by the Senator from Arizona [Mr. ASHURST]. I do not want Senators to get a misunderstanding of what the real situation is, because I believe every Senator and every public man and every person in the United States ought to know the true situation. There were men who entered polygamy before the manifesto of 1890 who still live with and support their families. They support them, they acknowledge them, and I believe that there is no one in the State of Utah or anywhere else who knows the situation who would not say that under the circumstances that should be allowed.

When people say that polygamy is practiced in the State of Utah, it is only that kind and nothing else, and I want the country to know it. I want the country to know that, as far as I am concerned, if there is any member of the church who would go into polygamy to-day I would say he ought to be handled by the law of the land, and not only by the law of the land but by the rule of the church. That is the situation as it exists, and that is what we believe ought to be done with such cases, and that is what is being done.

But I am fearful, Mr. President, that under the amendment the Senator has offered, wherein it says "any person who believes in polygamy," it will be construed as an abstract belief; and when a member of the church from any foreign country comes to our shores he will be met with the question whether

he believes in polygamy in the abstract. I do not see how he can say otherwise than that he does if he believes in the Bible. That is my opinion. I do not say that it is the opinion of others, nor do I criticize anyone for having a different opinion, but that is my opinion. If the proposed amendment goes no further than the present law and means the same, I would have no objection to it.

Mr. BORAH. Mr. President, the bill reads at present "or persons who admit their belief in the practice of polygamy."

The Senator from Missouri would change it so as to read "or persons who believe in, advocate, or practice polygamy."

Mr. President, I agree entirely with what the Senator from New York [Mr. ROOT] has said, that in its practical operation there will be very little difference whether the amendment goes into the law or is left out; but I think it makes a very great difference as to the construction which will be put upon the good faith of the tens of thousands of people who live in the great Rocky Mountain country who are identified with the Mormon Church. I have no right to speak, of course, in the way of advice to the Senator from Utah [Mr. SMOOT], but I am satisfied he could not do his people a greater service than to say that they were ready to be put to the test as to their belief in polygamy. It would seal the lips and silence the tongue of the last and bitterest critic of his church.

Polygamy in the United States is denounced as a crime. The great majority of the people of the United States believe that it is a crime. Even those who practice it believe it is a crime. The great Mormon Church has acquiesced in that denunciation of polygamy and has stood solemnly before the people declaring as a result of its conference that it renounced the doctrine of polygamy. Some of us have had to meet that question upon every political rostrum in the West, and those who have defended the Mormon people and the Mormon Church have done so because they believed they were acting in good faith. The Senator from Utah knows that the good faith of some of us has been challenged because they insisted that we knew that the Mormon people were not acting in good faith. It has been said that we defended them out of political necessity, knowing that they were in their hearts defiant of the laws of their country.

As I said a moment ago, since the president of the Mormon Church announced that polygamy had been renounced by the church I have never doubted for a moment that they were acting in perfect good faith, and knowing the natural disposition of the Mormon people to obey the law, I did not hesitate for a moment to take the position that they were acting in good faith and obeying this law.

But now, Mr. President, the Senator from Missouri offers an amendment which goes to the question whether or not they believe in that which in this country is denounced as a crime, and representing, as I do, some seven or eight or ten thousand, perhaps twelve thousand Mormon people, I am not willing to vote to the effect that those constituents of mine believe in a crime and refuse to practice it simply because the law makes it dangerous to do so.

Let us make no mistake about this, Mr. President. Those people are just as honest, just as industrious, just as patriotic, just as loyal to their country and to their flag as any people who live within our State, and I would just as soon think of saying the other people in my State believe in the commission of crime as to say that they believe in it or to say that they continue to believe in that which they have before the world renounced.

I agree with the Senator from New York [Mr. ROOT] that the adoption of the amendment makes very little difference except as to the imputation which it places upon those people and upon the Senate.

Mr. President, so far as the teachings of the Old Testament are concerned, I should like to have some one point me to a paragraph which teaches polygamy. The old Bible tells us of that which we inhibit, to wit, the practice of polygamy, but nowhere in that sacred Book have I been able to find anything which teaches it or recognizes it as a practice worthy of defense or other than a mistake of these people in those early days. When Sarah complained of the presence of Hagar, Hagar, though a mother, was sent into the wilderness to die. The patriarchs never sought to defend their practices, much less to erect their mistakes into a creed or hallow them as a faith.

But it matters little to me, sir, believing as I do in the Holy Scriptures, what the Old Testament teaches with reference to polygamy or with reference to the practice of polygamy. I know that when the new dispensation came and He who made no mistake as to the best interest of the human family renounced it, it no longer found a place in the belief of a Christian people. For 2,000 years civilization has accepted the dis-



pensation which came from the immaculate lips of the Savior to the effect that the old dispensation was at an end, and the people of this country accept the Bible as the last Interpreter gave it to them, and not according to the practice of those who had not felt the effects of His presence upon this earth.

For this cause shall a man leave his father and mother and cleave to his wife; and they twain shall be one flesh.

Not wives, but wife; not three, not four, but two, "twain." This is not alone the gospel, but it is the law, and in their light and instructions alone may we safely invite the emigrant to our shores.

The PRESIDENT pro tempore. The Senator from Missouri demands the yeas and nays on agreeing to his amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the Senator from Missouri [Mr. STONE] and withhold my vote.

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent, and unless I can secure a pair I shall withhold my vote.

Mr. TOWNSEND (when Mr. DILLINGHAM's name was called). The senior Senator from Vermont [Mr. DILLINGHAM] has been called from the Senate on official business. He is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. JAMES (when his name was called). I make the same transfer of my pair as upon the last vote and vote "yea."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Nevada [Mr. NEWLANDS] and vote "yea." I also announce the necessary absence of the Senator from Delaware [Mr. SAULSBURY] and desire to state that he is paired with the Senator from Rhode Island [Mr. COLT].

The roll call was concluded.

Mr. HUGHES. Mr. President, I desire to vote on this amendment, but I should like the liberty of making a very short statement.

The PRESIDENT pro tempore. That can not be done without unanimous consent. Is there objection? The Chair hears none.

Mr. HUGHES. I propose to vote against this amendment for the reason that I do not think a man's religious belief should be made a test of his admission to this country.

The PRESIDENT pro tempore. The Chair made a misruling. The Chair does not think the Senator can interrupt the roll call, even by unanimous consent.

Mr. HUGHES. I am satisfied with the statement which I have made. I now desire to vote. I vote "nay."

The result was announced—yeas 54, nays 3, as follows:

#### YEAS—54.

Borah	Johnson	Norris	Simmons
Brandagee	Jones	O'Gorman	Smith, Ga.
Bryan	Kenyon	Oliver	Smith, S. C.
Burton	Kern	Overman	Sterling
Clapp	Lane	Page	Swanson
Clarke, Ark.	Lee, Md.	Perkins	Thomas
Cummins	Lewis	Polindexter	Thornton
Fletcher	Lippitt	Pomerene	Townsend
Gallinger	Lodge	Ransdell	Vardaman
Gore	McCumber	Reed	Walsh
Gronna	McLean	Robinson	White
Hatch	Martine, N. J.	Root	Works
Hitchcock	Myers	Shafroth	
James	Nelson	Sheppard	

#### NAYS—3.

Hughes	Smoot	Sutherland
--------	-------	------------

#### NOT VOTING—39.

Ashurst	Colt	Martin, Va.	Smith, Md.
Bankhead	Crawford	Newlands	Smith, Mich.
Brady	Culberson	Owen	Stephenson
Bristow	Dillingham	Penrose	Stone
Burleigh	du Pont	Pittman	Thompson
Camden	Fall	Saulsbury	Tillman
Catron	Goff	Sherman	Warren
Chamberlain	Hollis	Shields	Weeks
Chilton	La Follette	Shively	Williams
Clark, Wyo.	Lea, Tenn.	Smith, Ariz.	

So Mr. REED's amendment was agreed to.

Mr. REED. I desire to make a statement. I voted the last time and the time before without announcing the transfer of my pair with the Senator from Michigan [Mr. SMITH]. It was a mere inadvertence on my part.

Mr. O'GORMAN. I desire to inquire, Mr. President, whether there is an amendment pending to strike out the word "solely," in line 11, page 9, of the bill?

The PRESIDENT pro tempore. As the Chair is advised by the Secretary, no such amendment is pending.

Mr. O'GORMAN. I move that the bill be amended by striking out the word "solely," in line 11, on page 9. It will be

noticed in that connection that the provision relates to the exemption of persons escaping from religious persecution. It seems to me that if the word "solely" is retained the advantage intended to be conferred by the committee will be lost to those in whose interest the exemption was inserted in the bill. I think by omitting that word the purpose of those favorable to such exemption will be best carried out.

The PRESIDENT pro tempore. Unless there is objection the amendment will be agreed to. The Chair hears none, and it is agreed to.

Mr. GALLINGER. Mr. President, I rise to ask the Senator from South Carolina in charge of the bill if we have not worked long enough to-day?

Mr. SMITH of South Carolina. Mr. President—

Mr. GALLINGER. I venture to ask the Senator if he agrees with me that it is about time for us to adjourn or to take a recess; and if he will agree to have the bill laid aside temporarily to permit the Senator from Mississippi [Mr. WILLIAMS] to report a resolution in which both sides of the Chamber are interested?

Mr. SMITH of South Carolina. Mr. President, I would prefer, if possible, as to-morrow is a holiday, to go on with the bill. It seems to me—

Mr. GALLINGER. The Senator has no expectation of completing the bill to-night, I apprehend?

Mr. SMITH of South Carolina. Unless there are interminable amendments to be offered for the purpose of obstruction and otherwise, I do not see why we should not complete the bill, because, so far as the committee is concerned, there are but one or two further amendments, and they are of minor importance, some of them being merely verbal. As a matter of course, the disposition of the bill is entirely in the hands of the Senate; but we have been considering this bill now for a period nearly going into the third week. There are other matters that necessarily are going to press for attention, and I think that it is due the people of the country and due to ourselves that we should dispose of this measure, so that we may take up other legislation.

Mr. GALLINGER. Mr. President, there is no one more earnest in his desire than am I to have this bill voted on, but it is so clearly evident that we can not vote on it this evening that I venture to suggest that, having been here now nearly seven hours in continuous session, we might well lay the bill aside for the day.

#### ADDITIONAL MINORITY EMPLOYEE.

Mr. WILLIAMS. Mr. President, without waiting to determine the point at issue, I should like to ask unanimous consent to present from the Committee to Audit and Control the Contingent Expenses of the Senate a favorable report on a resolution and to have it considered at this time. This is the 31st day of December, the end of the old year, and although the resolution is not of itself of so much importance, time becomes in a sense a part of the essence of it. So, if the Senator will agree—

Mr. SMITH of South Carolina. I agree to lay aside the immigration bill temporarily for the present consideration of the resolution referred to by the Senator from Mississippi.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the resolution, without prejudice to the standing of the bill in charge of the Senator from South Carolina.

Mr. President, I wish to say in connection with the resolution that it is one of the routine matters of minority patronage requested by the leader of the minority, agreed to by the leader of the majority, and reported unanimously by the committee to which it was referred. The Senator from New Hampshire [Mr. GALLINGER] is more a master of the details of the subject matter than am I—

SEVERAL SENATORS. Vote! Vote!

Mr. WILLIAMS. But I do not think there should be any objection to the consideration and adoption of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution (S. Doc. 510) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That an additional employee in behalf of the minority be appointed for service in the folding room of the Senate, at a salary of \$1,000 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

#### URGENT DEFICIENCY APPROPRIATIONS.

Mr. OVERMAN. I desire to ask unanimous consent to report the urgent deficiency appropriation bill.

Mr. SMITH of South Carolina. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. OVERMAN. The whole country is interested in this question.

Mr. SMITH of South Carolina. I object.

The PRESIDENT pro tempore. The Senator from South Carolina has objected.

Mr. OVERMAN. Then I will discuss the immigration bill a little.

The PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. OVERMAN. I wish to say that I have been trying to perform—

Mr. SMITH of South Carolina. Has the Senator from North Carolina the floor?

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. SMITH of South Carolina. Did not the Chair recognize the Senator from South Carolina?

The PRESIDENT pro tempore. The Senator from North Carolina has the floor; the Senator from South Carolina objected to his presentation of a report at this time, and the Senator from North Carolina stated he would discuss the immigration bill.

Mr. OVERMAN. I want to say something about the immigration bill.

Mr. SMITH of South Carolina. As soon as I conclude discussing the point I was about to make, I will yield to the Senator from North Carolina.

Mr. OVERMAN. Who has the floor?

The PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. SMITH of South Carolina. If the Senator from North Carolina is going to discuss the immigration bill, I shall be very glad to hear him.

Mr. OVERMAN. I want to say that I am in favor of the immigration bill, and do not desire in presenting this report to delay it; but there is an appropriation of \$2,500,000 in a provision contained in the urgent deficiency bill to combat the ravages of the foot-and-mouth disease. For the adoption of that item the people of this country are clamoring. All I ask is that the bill be received so that it may be printed. I ask the Senator if he will not yield to have it printed, so that the Senate may examine it and that it may be brought up for consideration when we get through with the immigration bill?

Mr. SMITH of South Carolina. Mr. President, we ourselves are suffering terribly here with the "mouth disease," and I must object, unless an appropriation is made to cure that disease in this body. [Laughter.] I object.

The PRESIDENT pro tempore. The Senator from South Carolina objects.

Mr. OVERMAN. Mr. President, I fear there is something the matter with the heads of some Senators, and perhaps we ought to have a little appropriation on that account.

The PRESIDENT pro tempore. The Chair will suggest to the Senator from North Carolina that a motion to lay the pending bill aside would be in order.

Mr. OVERMAN. I move that the immigration bill be laid aside temporarily, in order that I may present a report on the urgent deficiency bill, which I desire to have printed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina.

The motion was agreed to.

Mr. OVERMAN. I report back favorably with amendment the bill (H. R. 20241) making appropriation to supply urgent deficiencies in appropriations for the fiscal year 1915 and prior years, and for other purposes, and I submit a report (No. 848) thereon. I ask that the bill and report may be received and printed.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

#### DEVELOPMENT OF WATER POWER.

Mr. SMOOT. Inasmuch as the pending bill has been laid aside, I ask unanimous consent to introduce a bill, and I ask that it be printed in the Record.

The PRESIDENT pro tempore. The Senator from Utah introduces a bill, the title of which will be stated.

Mr. OLIVER. Mr. President, I should like to ask the Senator from Indiana whether it is proposed to adjourn or to take a recess?

Mr. KERN. It is proposed to take a recess until Saturday morning at 11 o'clock.

Mr. OLIVER. I think there should be some opportunity for the introduction of morning business.

The PRESIDENT pro tempore. The Chair will suggest that the bill presented by the Senator from Utah be first disposed of.

Mr. SMOOT. I ask unanimous consent that the bill introduced by me be printed in the Record, and that it be referred

to the Committee on Public Lands. It has reference to the development of water power.

The bill (S. 7101) providing for the acquisition by a State under certain conditions of any lands therein which are or may become chiefly valuable for the development of water power was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed in the Record, as follows:

A bill (S. 7101) providing for the acquisition by a State, under certain conditions, of any lands therein which are or may become chiefly valuable for the development of water power.

Be it enacted, etc., That in the manner and subject to the limitations herein prescribed, a State may enter and acquire title to lands within said State which are or may become chiefly valuable for the development of water power.

Sec. 2. That any State desiring to avail itself of the provisions of this act shall make application therefor in the manner following:

Such State shall, through its regularly created board, commission, or other regularly constituted public authority of said State duly vested with the power to regulate and control the rates and service of public utility corporations, including authority to regulate the rates and service of any person, persons, associations, or corporations engaged in the business of developing, distributing, furnishing, selling, and renting electric power, file with the Secretary of the Interior an application setting forth the description of the lands sought to be acquired, accompanied by a map or plat thereof, together with proof that the lands described are chiefly valuable for the development of water power, that the entire area of the land described is necessary to accomplish development of the largest available power at the place designated, and that said application is made for the development of water power in accordance with the provisions of this act.

Sec. 3. That such State shall submit proof with such application establishing that the lands described are chiefly valuable for the development of water power and are necessary therefor and are being sought for that purpose, and upon such matters and facts being established, patent therefor or for such portion thereof as is necessary for the purpose aforesaid shall issue as hereinbefore provided to such State. Such patent shall include such lands or all portions thereof as are chiefly valuable for the development of water power and are necessary therefor, including all necessary or convenient dams, reservoirs, canals, conduits, pipe lines, tunnels, transmission lines, roads, power houses, and all other works or structures necessary or convenient for the appropriation and beneficial use of water and the power or other products generated thereby and for the utilization and beneficial use of the same.

Sec. 4. That the provisions of this act, where application is made by the duly constituted authority of the State, as hereinbefore set forth, shall apply to any part of the public lands of the United States, reserved or unreserved, including national forests, national monuments, and Indian reservations: *Provided*, That where such lands are located within any national monuments or Indian reservations, the same shall be located under the direction of the Secretary of the Interior and in such a way as not to interfere with such national monuments or Indian reservations or the uses or purposes for which the same are created.

Sec. 5. That such patent issued under the provisions of this act shall contain and be subject to the following conditions, limitations, and restrictions, to wit:

First. That said State or Territory shall not alienate the fee simple title to said lands and shall retain the same for the uses and purposes in this act set forth, granting the use thereof for such purposes and subject to the laws of said State and the United States applicable to and adopted for the purpose of controlling and regulating such business and the charges and services thereof so that the State, or those authorized under its laws to appropriate and beneficially use such waters, will carry on and continue the service of generating and distributing such electric power.

Second. That each tract of land so patented shall be held by said State and devoted primarily to the development of water power either by said State or Territory or by a municipal corporation or corporations therein or by some person or persons, association or associations, corporation or corporations thereto duly authorized and that said State or Territory shall not devote or permit the same to be devoted to any other purpose or purposes in conflict therewith.

Third. That all power generated, sold, rented, or distributed under authority of said State by any person or persons, association or associations, corporation or corporations, and the rates therefor and the service therefor shall at all times be subject to and shall be regulated and fixed by and under the authority and laws of said State, or in cases involving interstate commerce under and pursuant to the laws of the United States, and that such power so generated shall never be the subject of any combination or consolidation in restraint of trade contrary to or in violation of any law of said State or applicable law of the United States.

Fourth. That none of the properties, rights, uses, or privileges patented under the provisions of this act, where the same are assigned or transferred to or permitted to be used or enjoyed under the provisions of this act, shall ever be valued or allowed to be charged for in connection with any service to the public in excess of such amounts, if any, as the person or persons, association or associations, corporation or corporations shall have actually paid for the same, and in the event of the acquisition of such property, rights, uses, or privileges by such State or any municipality or subdivision thereof, no amount whatever shall be allowed or paid by said State, municipality, or subdivision thereof for such transfer or acquisition in excess of such amounts, if any, as shall have been paid therefor and which shall not have been repaid or reimbursed prior to such acquisition of the same.

Sec. 6. That upon any sale or disposition or attempted sale or disposition of such lands by any State for any other purpose or in any other manner than as herein provided, or upon failure to require said lands to be devoted to the uses required by this act, or upon any violation of the provisions of this act, or of the patent to be issued hereunder, the same shall be forfeited to the United States, and the Attorney General, upon the direction of the President of the United States, is authorized to institute such judicial proceedings as may be necessary for the purpose of ascertaining, declaring, and enforcing such forfeiture.

Sec. 7. That the Secretary of the Interior shall make such rules and regulations as may be necessary and appropriate for the purpose of and having the effect of carrying out the provisions of this act.

Sec. 8. That nothing in this act contained shall be construed as affecting or intended to affect or to in any way interfere with the laws



of said State relating to the control, appropriation, use, or disposition of water or the right or priority or right to the use of the same now or hereafter vested under and in accordance with the laws of said State.

Mr. POMERENE. I desire to introduce a bill and ask for its proper reference.

Mr. OLIVER. I will have to object. I think we ought to have an opportunity to introduce bills in regular morning session, and that we ought to meet at the regular time Saturday morning for that purpose.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects.

#### REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. I move that the Senate resume the consideration of the immigration bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Carolina that the Senate resume the consideration of the so-called immigration bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. JONES. I move that the Senate adjourn.

Mr. KERN. I hope the Senator will withhold that motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington that the Senate adjourn. The motion was rejected.

#### RECESS TO SATURDAY.

Mr. KERN. Mr. President, I move that at not later than 6 o'clock this evening the Senate take a recess until Saturday next at 11 o'clock a. m.

Mr. OLIVER. I desire to ask the Senator from Indiana what prospect there is for transacting routine morning business? Some of us have some such business to present.

Mr. KERN. I have no doubt that after Saturday we shall have a morning hour right along.

Mr. OLIVER. The session is getting very short and there ought to be some opportunity of introducing bills and having committees act upon them and also some opportunity of passing unobjected bills; and I suggest to the Senator the propriety, instead of taking a recess until 11 o'clock on Saturday, to adjourn to meet at 11 o'clock on that day.

Mr. KERN. Mr. President, it is the earnest desire, I think, of a majority of the Senate that the pending bill be disposed of on Saturday, and I have no doubt that it will be disposed of on that day. Then we will resume the usual course of business. It is because of that desire, however, that I have made the motion that at not later than 6 o'clock the Senate take a recess until Saturday morning at 11 o'clock.

Mr. CLARK of Wyoming. Mr. President, would it not be possible to take an adjournment of the Senate until 10 o'clock on Saturday morning, so as to allow one hour for morning business between 10 o'clock and 11 o'clock, and begin the discussion of the immigration bill at 11 o'clock?

Mr. SMITH of South Carolina. Mr. President, I should like, if the Senator will allow me, to state that I think from present indications—of course I can not tell with certainty, but I think that on Saturday we can get rid of the immigration bill, now under discussion. After that I do not think there will be any difficulty in disposing of the accumulated routine business.

Mr. CLARK of Wyoming. I should like to ask, just as a matter of information, whether or not, in connection with the consideration of the various bills which will come before the Senate next week or thereafter, it is proposed to dispense with the morning hour?

Mr. SMITH of South Carolina. Oh, no.

Mr. CLARK of Wyoming. We seem to have started in on that course.

Mr. KERN. That is not contemplated by anyone, I will say to the Senator.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana that at not later than 6 o'clock the Senate take a recess until 11 o'clock Saturday morning.

Mr. McCUMBER. Let me ask the Senator from Indiana and the Senator from South Carolina, if we can not reach a vote to-night, why not take a recess at the present time? It is now nearly 20 minutes to 6 o'clock.

Mr. KERN. There are several Senators who desire a short executive session, and I desired to make the motion for a recess now, while there was a quorum present; that was all.

Mr. McCUMBER. If that is the purpose, I have no objection.

Mr. KERN. I have no concealments from the Senator.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana that at not later than 6

o'clock the Senate take a recess until Saturday morning next at 11 o'clock.

The motion was agreed to.

#### REVENUE-CUTTER SERVICE (S. DOC. NO. 676).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, submitting an estimate of appropriation in the sum of \$7,398.58 for expenses of the Revenue-Cutter Service for the fiscal year ended June 30, 1914, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

#### WITHDRAWAL OF PUBLIC LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the Commissioner of the General Land Office on land withdrawals from settlement, location, sale, or entry under the provisions of the act of June 25, 1910, which, with the accompanying papers, was referred to the Committee on Public Lands and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented the petition of Rev. A. J. Ziskovsky, of Comfrey, Minn., praying for the exclusion of anti-Catholic publications from the mails, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented petitions of sundry citizens of New York, praying for the restoration of a protective tariff, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to prohibit the exportation of contraband of war, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a memorial of Local Lodge No. 620, Independent Order B'nai Brith, of Erie, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of General H. W. Lawton Camp, No. 19, United Spanish War Veterans, of Wilkes-Barre, Pa., praying for the creation of a national security commission, which was referred to the Committee on Military Affairs.

He also presented a petition of John Harris Council, No. 174, Junior Order United American Mechanics, of Harrisburg, Pa., and a petition of Hyde Park Lodge, No. 306, Knights of Pythias, of Scranton, Pa., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. BURTON presented petitions of sundry citizens of Ohio, favoring action looking toward the establishment of peace in Europe and the formation of an international police, which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented petitions of sundry citizens of Broad Brook, Stamford, Haddam, Danbury, and Rockville, all in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of contraband of war, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of West Haven, New Britain, Haddam, and Chatham; of Freja Lodge, No. 17, International Order of Good Templars, of Hartford; and of the congregations of the Methodist Episcopal Church of Moodus; of the Swedish Lutheran Church, of Hartford; of the Connecticut Baptist convention of 25,000 members, of Hartford; of the Congregational Church of West Stafford; and of the First Methodist Episcopal Church of West Haven, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of local branches of the Connecticut State Association Opposed to Woman Suffrage, of Waterbury, East Hartford, Bridgeport, New Haven, Glastonbury, Guilford, and Cornwall, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Stamford and South Norwalk, in the State of Connecticut, praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of Norwich Camp, No. 75, Order Sons of Zion, of Norwich; of the Council of the United Hebrews, of Waterbury; of the Adath Israel Congregation, of Bridgeport; and of Local Lodge No. 21, Order of B'rith Abraham, and 25 other Hebrew organizations of New Haven, all in the State of Connecticut, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of General Mansfield Council, No. 9, Junior Order United American Mechanics, of Middletown, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. JONES presented a memorial of sundry merchandise brokers, of Seattle, Wash., remonstrating against the war tax as applied to merchandise brokers, which was referred to the Committee on Finance.

He also presented petitions of Fram Lodge, No. 13, International Order of Good Templars, of Everett; of sundry citizens of Tweedle; of Ancor Lodge, No. 3, International Order of Good Templars, of New Castle; and of Lincoln Lodge, No. 122, International Order of Good Templars, of Woodinville, all in the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER. I present a letter from J. C. Adams, of Kent, Wash., together with articles and newspaper clippings relating to the Japanese labor problem and immigration. I move that the letter and accompanying papers be referred to the Committee on Immigration.

The motion was agreed to.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 7092) granting an increase of pension to Prudie M. Reynolds; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 7093) granting an increase of pension to Susan J. Alexander; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 1094) granting an increase of pension to John H. Van Meter; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7095) granting an increase of pension to Addie M. Higgins; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7096) granting an increase of pension to Lydia A. Smith (with accompanying papers);

A bill (S. 7097) granting an increase of pension to Mary F. Weed (with accompanying papers); and

A bill (S. 7098) granting an increase of pension to Margaret Hoary (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7099) granting an increase of pension to Silas S. Beckwith; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7100) granting an increase of pension to Lewis C. Lane (with accompanying papers); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. THORNTON submitted an amendment proposing to appropriate \$4,000 for a reviser of the United States Statutes, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 19909), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for salary for clerk hire in the offices of shipping commissioners from \$35,000 to \$35,900, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 19909), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LEE of Maryland submitted an amendment providing that whenever there are general rules, regulations, or requirements of any character as to the general milk supply of the District of Columbia no part of the appropriation provided for under this bill shall be expended for examinations or inspections, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19422), which was referred to the Committee on Appropriations and ordered to be printed.

#### EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m., Thursday, December 31, 1914) the Senate took a recess until Saturday, January 2, 1915, at 11 o'clock a. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 31, 1914.*

##### REGISTER OF THE LAND OFFICE.

Frederick M. Hedger to be register of the land office at Walla Walla, Wash.

##### POSTMASTERS.

##### CONNECTICUT.

T. J. Kelly, Oakville.

##### IDAHO.

William T. Roberts, Bellevue.

##### MICHIGAN.

James C. Beckwith, Marshall.

Charlie W. Beier, Lenox.

Powell Brody, Lawton.

James J. Byers, Houghton.

Patrick Garvey, Hemlock.

Earl Hunter, Lowell.

Frederick J. Kruger, Centerville.

Myron E. Miller, Charlotte.

Patrick H. Schannenck, Chassell.

F. Raymond Wallbrecht, Central Lake.

##### MISSISSIPPI.

A. C. Fant, Macon.

Nannie Stuart, Morton.

##### OHIO.

F. N. Cary, New Richmond.

Jacob C. Hoch, Spencerville.

Jacob E. Mercer, Hicksville.

Bernard Sherman, Minster.

William A. White, Crestline.

##### OKLAHOMA.

Clarence G. Dalton, Mounds.

##### PENNSYLVANIA.

James J. McArdle, Nesquehoning.

Frank P. Moats, Smithfield.

James G. Paul, Bradford.

George F. Trout, Stewartstown.

#### HOUSE OF REPRESENTATIVES.

*THURSDAY, December 31, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We rejoice, Almighty God, our heavenly Father, in the great precepts enunciated by the Master in the marvelous Sermon on the Mount and in His wonderful parables, acknowledged by a consensus of the purest minded in all the world as conducive to the highest civilization, and we most earnestly pray that we may not only appreciate their worth but make them ours by assimilation and put them into the affairs of daily life after the manner of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., December 31, 1914.

HON. CHAMPE CLARK,

Speaker of the House of Representatives.

SIR: I beg leave to inform you that I have this day transmitted to the governor of the State of New York my resignation as a Repre-



sentative in the Congress of the United States from the second district of New York.

Yours, respectfully,

DENIS O'LEARY.

# POST-OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19906, the Post Office appropriation bill.

Mr. SMITH of Minnesota. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently there is no quorum present.

Mr. MOON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Donohoe	Hughes, W. Va.	Parker, N. Y.
Alney	Doolling	Hulings	Patten, N. Y.
Allen	Doughton	Jones	Patton, Pa.
Anderson	Driscoll	Keister	Peters
Ansberry	Dunn	Kelly, Pa.	Peterson
Anthony	Eagan	Kennedy, Iowa	Phelan
Austin	Edmonds	Kettner	Platt
Avis	Edwards	Kinkaid, N. J.	Plumley
Bailey	Elder	Kitchin	Porter
Baltz	Esch	Knowland, J. R.	Pou
Barchfeld	Evans	Korby	Powers
Barnhart	Fairchild	Kreider	Price
Bartlett	Faison	Langham	Ragsdale
Barton	Farr	Lee, Ga.	Riordan
Beall, Tex.	Fess	L'Engle	Roberts, Nev.
Borchers	Fields	Levy	Rothermel
Bowdle	Floyd, Ark.	Lewis, Pa.	Sabath
Britten	Fordney	Lieb	Scully
Brockson	French	Lindbergh	Seldomridge
Brodbeck	Gallagher	Lindquist	Sells
Brown, W. Va.	Gallivan	Lobeck	Shackelford
Bruckner	Gardner	Loft	Shreley
Brumbaugh	Garrett, Tenn.	Logue	Shreve
Bulkley	Garrett, Tex.	McAndrews	Sisson
Burke, Pa.	George	McClellan	Slayden
Burke, Wis.	Gerry	McGuire, Okla.	Slomp
Burnett	Gillett	McKenzie	Smith, J. M. C.
Butler	Glittins	Mahan	Stafford
Calder	Godwin, N. C.	Manahan	Stanley
Callaway	Goeke	Mapes	Stephens, Miss.
Cantor	Goldfogle	Martin	Stevens, N. H.
Cantrill	Good	Metz	Sutherland
Carew	Gordon	Miller	Talbott, Md.
Carlin	Gorman	Mondell	Taylor, Ala.
Carr	Graham, Ill.	Montague	Taylor, N. Y.
Cary	Graham, Pa.	Morgan, La.	Ten Eyck
Clancy	Greene, Mass.	Morin	Townsend
Clark, Fla.	Gregg	Moss, W. Va.	Tuttle
Claypool	Guernsey	Mott	Underhill
Cline	Hamill	Mulkey	Vare
Coady	Hamilton, N. Y.	Murdock	Vaughan
Collier	Hammond	Neeley, Kans.	Vinson
Connolly, Iowa	Hart	Necly, W. Va.	Walker
Conry	Haugen	Nelson	Wallin
Copley	Hayes	Nolan, J. I.	Walsh
Dale	Heflin	O'Brien	Walters
Davenport	Helvering	Oglesby	White
Davis	Hensley	O'Halr	Wilson, Fla.
Decker	Hill	O'Leary	Wilson, N. Y.
Deltrick	Hinebaugh	O'Shaunessy	Winslow
Dershem	Houston	Paige, Mass.	Woodruff
Difenderfer	Hughes, Ga.	Palmer	
Dixon			

After the Clerk had completed the calling of the roll, the Speaker announced that 205 Members had answered "present."

Mr. UNDERWOOD. Mr. Speaker, I move that warrants be issued for the absentees and that the Sergeant at Arms be directed to arrest them and bring them in.

The SPEAKER. The gentleman from Alabama moves that warrants be issued for the absentees and that the Sergeant at Arms be directed to arrest them and bring them in.

The motion was agreed to.

Subsequently 14 more Members appeared and answered to their names.

The SPEAKER. Two hundred and seventeen Members are present; a quorum.

Mr. FITZGERALD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19906, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. That the appropriation for the manufacture of postage stamps be so amended that advance payment can be made to the Director of the Bureau of Engraving and Printing for the printing of postage stamps.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 47, by striking out section 14.

Mr. FITZGERALD. Mr. Chairman, I do not understand the necessity for this provision. At present, under the law, the Director of the Bureau of Engraving and Printing is permitted to do what is known as repay work for the Post Office Department. The Bureau of Engraving and Printing submitted bids for the printing of the postage stamps, and was the successful bidder. Under the provision which is carried in connection with the appropriation for the Bureau of Engraving and Printing the work is done out of appropriations made for the bureau, and the bureau is reimbursed by the Post Office Department as the stamps are delivered. What particular advantage there is to be gained by paying the Bureau of Engraving and Printing in advance for this work I do not know. It may have one effect, and one effect only, and that should not, in my opinion, be permitted. In estimating upon this work the bureau fixes as the price the cost of the labor and materials, with a certain percentage added to cover the overhead charges. As nearly as possible it is attempted to do the work at cost, but there is a very considerable profit to the bureau in the doing of the work. Last year the sum of \$32,000 was not received from the Post Office Department for such work until after the close of the fiscal year. That sum was a portion of the profit that was made. Not having been received during the fiscal year, it went into the Treasury. If it had been received before the end of the fiscal year, it would have been available in addition to the appropriations made for the bureau. It is very difficult to keep track of what the bureau actually has available each year.

Mr. MOON. Mr. Chairman, I want to say that this is a section which the department asked to have placed in the bill. It is one about which the committee care but little, and I understand that the department is not particularly anxious about it. Therefore, if there is any serious objection to the section, or any complication should arise such as the gentleman from New York suggests, I am entirely satisfied to see the section go out of the bill.

Mr. FITZGERALD. I do not see any advantage to the Post Office Department, and for that reason I hope the amendment will be agreed to.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOSTER. As I understand, the Bureau of Engraving and Printing prints these stamps?

Mr. FITZGERALD. Yes.

Mr. FOSTER. In large quantities?

Mr. FITZGERALD. Yes.

Mr. FOSTER. And holds them until such time as the department wants them? Is that correct?

Mr. FITZGERALD. They may be stored for the Post Office Department. The bureau makes a contract to print the stamps, and the orders are given and the stamps are printed as required. It may be that they are held in the bureau until delivery is called for.

Mr. FOSTER. I understand; but what I was getting at was whether the Bureau of Engraving and Printing held a large quantity of these stamps until such time as the Post Office Department wanted them.

Mr. FITZGERALD. Oh, no; except that it may be convenient to store them there. That is all. They have no authority to print them until they are ordered, and if they are ordered and printed the department must pay for them.

Mr. FOSTER. They are paid for as soon as they are printed?

Mr. FITZGERALD. I do not know the particular arrangement made for the payment. The only result of this provision would be that if they paid for these stamps in advance the bureau would have available for its use, in addition to the appropriation made for its work, the entire profit it may make on this contract. It just so happened that last year \$32,000 were not paid until after the expiration of the fiscal year. That sum went into the Treasury as miscellaneous receipts. If it had been paid before the 30th of June it would have been expended in the bureau, and it adds a certain amount of money

over which we have no control, and we can not estimate on how much it would be.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Tennessee that if there is to be a repealing clause in this act it would be better to put it in as a separate section at the end, where people would naturally look for it. It came in here, I take it, as a part of the bill that we passed last summer.

Mr. MOON. That is true.

Mr. MANN. I suggest that the gentleman offer an amendment to strike it out of that place and insert it later, if he desires, as a separate section at the end of the bill.

Mr. MOON. We can put it at the end of the bill. Mr. Chairman, I move to strike out lines 6 and 7.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 50, strike out lines 6 and 7.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That section 3949 of the Revised Statutes be amended to read as follows:

"All contracts for carrying the mail should be in the name of the United States, and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however,* That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

After line 18 insert the following:

"Whenever it shall be established to the satisfaction of the Postmaster General that any person is engaged or represents himself as engaged in the business of publishing any obscene or immoral books, pamphlets, pictures, prints, engravings, lithographs, photographs, or other publications, matter, or thing of an indecent, immoral, scurrilous, or libelous character, and if such person shall, in the opinion of the Postmaster General, endeavor to use the post office for the promotion of such business, it is hereby declared that no letter, packet, parcel, newspaper, book, or other thing sent or sought to be sent through the post office by or on behalf of or to or on behalf of such person shall be deemed mailable matter, and the Postmaster General shall make the necessary rules, and regulations to exclude such non-mailable matter from the mails."

Mr. FINLEY. Mr. Chairman, I reserve the point of order on the amendment.

Mr. FITZGERALD. Mr. Chairman, this amendment is designed to give to the Postmaster General authority which apparently he does not possess at the present time. He discusses the question of obscene and scurrilous matter in the mails somewhat elaborately in his annual report, and calls attention to the fact that considerable complaint has been made of publications characterized as obscene, indecent, and scurrilous in their character.

The Postmaster General reviews the law and the decisions under certain provisions of the criminal code. It has been held by the Supreme Court of the United States that an immoral and obscene publication to come within the statute must be one which must incite persons to obscene or immoral acts and at the same time tend to degrade public morals. It has been pointed out, however, that there are many matters of a vulgar, coarse, scurrilous, lewd, and outrageously offensive character that do not come within the provisions of existing laws and for which apparently there is no remedy. The pending amendment is so framed that it will not permit injustice to be done to anyone, and yet can hardly be objected to as an improper exercise by an executive department of power which should properly be reposed in it. The proposed legislation requires the establishment of two facts. One is that a person shall be engaged, or shall represent himself as engaged, in the business of publishing immoral books, pamphlets, pictures, prints, engravings, lithographs, photographs, or other publication, matter, or thing of an indecent, immoral, scurrilous, or libelous character. The fact must first be established to the satisfaction of the Postmaster General that a person is engaged in such business, or represents himself to be engaged in such business, and then being engaged in such business, or holding himself or representing himself to be engaged in such business, that he endeavors to use the post-office facilities to further

such business. It seems to me that if these two facts be established regarding any person or enterprise that such a person or enterprise should not be permitted to utilize the mails of the United States in order to promote such a business. I know there are many complaints about various publications that are well founded. They contain matter so offensive to decent men that they should not be transmitted through the mails. It would be impossible and improper to lay down a rule for legislation directed at a particular person or a particular publication. There should be established by law a general rule of conduct to be followed. There should be some authority reposed in some official to prevent the use of the facilities provided by the United States in its mails by anyone engaged in such business—

Mr. MOORE. Mr. Chairman—

Mr. FITZGERALD (continuing). Or representing himself to be engaged in such business as is outlined in the pending amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that my time be extended a minute or two.

Mr. MANN. Make it five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Will the gentleman yield?

Mr. FITZGERALD. In just a minute—and who attempts to utilize the mails to promote that business. I yield.

Mr. MOORE. Is the gentleman quite sure the Postmaster General does not have authority now to eliminate such publications as the gentleman refers to in his amendment?

Mr. FITZGERALD. No; I am not quite sure that he has not such authority. But the Postmaster General has been advised, and his report is based upon the opinion of the Solicitor for the Post Office Department. I believe the question as to just what power the Postmaster General now has is one about which lawyers may differ.

Mr. MOORE. He has the power to prevent the use of the mails for lottery purposes, for instance.

Mr. FITZGERALD. The statute specifically prohibits the use of the mails for lottery purposes.

Mr. MOORE. And under the Barnhart amendment he has certain other powers.

Mr. FITZGERALD. He has the power to exclude from the mails a publication upon the wrapper of which obscene or immoral or scurrilous matter is contained; but it has been held by the courts that the matter contained on the first page of a newspaper is not within the statute relating to marks or inscriptions upon the wrappers.

Mr. MOORE. Will the gentleman yield for one more question?

Mr. FITZGERALD. Yes.

Mr. MOORE. How far would this proposed amendment extend with respect to magazines which present certain theories of government, and certain newspapers which print articles which are unquestionably scurrilous and perhaps libelous?

Mr. FITZGERALD. Mr. Chairman, it would affect every publication which came within its definition. I have an interesting document—

Mr. MOORE. The theory is that it would cover all newspapers and magazines indulging the practices referred to?

Mr. FITZGERALD. It would cover every publication which came within its terms. In 1908 President Roosevelt transmitted to the House by message an opinion of the then Attorney General of the United States relative to the exclusion from the mails of a publication issued in Paterson, N. J. The publication was an anarchistic publication that advocated murder, riot, and arson, and the killing of police officers, the seizing of armories, and the dynamiting of the armories if any difficulty were encountered in a proposed attempt to seize them. The President had addressed a communication to the Attorney General in which he said that by his direction the particular publication had been excluded from the mails and would not be admitted to the mails unless by order of court or unless the Attorney General advised him that it must be admitted. He submitted certain questions to the Attorney General, upon which he requested his opinion. I shall not undertake to recite the conclusions of the Attorney General; they are set forth fully in the opinion. I shall read, however, the last paragraph, which is as follows:

While, therefore, in the absence of any express provision of law or binding adjudication on this precise point, the question is certainly one of doubt and difficulty, I advise you that, in my opinion, the Postmaster General will be justified in excluding from the mails any issue of any periodical, otherwise entitled to the privileges of second-class mail matter, which shall contain any article constituting a seditious libel and encouraging such crimes as murder, arson, riot, and treason.



Mr. Chairman, there should not be uncertainty about the law. The use of the mails is a privilege, not a right. Whoever uses the mails should be able to ascertain definitely what the law prohibits from being transmitted and what may lawfully be sent through the mail. If a question is raised with the Post Office Department as to the character of a publication that can or can not be transmitted through the mails, the law should not be so uncertain or indefinite as to permit a legitimate controversy as to whether in the admission or exclusion of a publication there had been any abuse of authority. The Postmaster General is advised that there does not seem to be any law at present which covers obscene, indecent, defamatory, and scurrilous matter, unless the matter be of such character as to incite the imagination and lead to the doing of obscene acts. It is quite apparent, however, that there is a much larger class of material which should be excluded from the mails.

I realize, as all who have ever given any attention to the question, that the isolated or sporadic case can not be reached. No attempt is made to do so. But there are conditions that require no elaborate investigation nor extended discussion to convince decent men that they should not be permitted. Such conditions are covered by the pending amendment. If it be established to the satisfaction of the Postmaster General that a person is engaged or represents himself as engaged in the business of circulating publications or other matters of the character described in the amendment, and uses the mails to further such business, who will say that the mails should be used for so foul a purpose? No one need fear that the proposed amendment is overdrastic or unreasonable. It is almost identical with section 193 of the Canadian Postal Guide for 1913. There is just as much jealousy of the freedom of the press in Canada as here, but the freedom of the press so essential to a free people should never be confounded with an indecent license; nor under the plea of such freedom should it be permitted to debauch our mails by admitting publications of so outrageously indecent and offensive character as to arouse the resentment of decent men.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FINLEY. Mr. Chairman, the proposition contained in the amendment offered by the gentleman from New York is not in order where offered, and it is fairly objectionable from every standpoint. But he said something about the merits of it. We have a Postmaster General to-day. He is in office now. He will go out at some future time. Who will be there 5 years from now or 10 years from now we do not know. The power that is proposed to be lodged in the hands of the Postmaster General under that amendment should not be lodged in the hands of any one man in all this country. [Applause.] It should not be left to the decision of any one man, and he an executive officer and appointed by another man. So this proposed amendment, if you analyze it, means going back in a measure to the sedition laws, and we remember that the execution of those laws cost a great political party its existence.

Now, I am not in favor of scurrilous or obscene matter going through the mails. I am opposed to it, but I think when we legislate here for all the people of this country each and every individual should have redress somewhere, some place of appeal. Under that amendment an ipse dixit of whomever happens to be Postmaster General at the time is absolutely conclusive of what is and what is not objectionable under the proposed amendment. So, in my view there is law enough at present, and if the Postmaster General will exercise to the full his discretion in the premises as to what matter is scurrilous and libelous and tends to incite or create a disturbance of the peace or good order the law is ample. But assuming that it is not, yet here is a matter that affects free speech, so to speak, in this country. Free speech, to my mind, does not mean license, nor should it mean that to any fair-minded man. It does not mean license to abuse the law—not at all. But this proposed amendment, as proposed by the gentleman from New York, has not been considered or reported by any committee. It is a matter of the greatest importance. So the House should not be called upon to pass on a great question like this under the circumstances.

I make the point of order, Mr. Chairman, the amendment is not in order.

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] desire to be heard on the point of order?

Mr. FITZGERALD. It is useless to discuss it, Mr. Chairman, as the amendment is clearly subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. If the Chair will permit me, let me say to the gentleman from South Carolina that every power now possessed by the Postmaster General to exclude nonmailable

matter, or matter declared to be nonmailable, is a power that is exercised in his discretion, and there would be just as much right to a review in this case as there would be in any other case. The circulation of scurrilous, indecent, obscene, and defamatory matter in the mail is a gross abuse—

Mr. FINLEY. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. FINLEY. I will say to the gentleman, with all regard for him, that if he will introduce such a bill and come before the Committee on the Post Office and Post Roads in this House he will have an ample hearing, and not only that, but if the committee sees fit to report it, it will do so promptly.

Mr. FITZGERALD. I understand that, Mr. Chairman. Of course I appreciate, and the gentleman from South Carolina appreciates, that even a favorable report upon such a bill at this session of Congress would mean no action. Here is an appropriation bill of 54 pages, with 24 pages of general legislation. Everyone here knows that if there is to be any postal legislation during this session it will have to be contained in this bill and in no other. The circulation of grossly obscene, indecent, scurrilous, and defamatory matter through the mails by whomever it may be circulated is a gross abuse of the privileges of the mails and should not be tolerated. There should be the power lodged some place to prevent such use—or abuse—of the mails. If it be not possessed now by the department it should be given to the department. The amendment which I proposed does not give any authority that anyone can justly criticize. It requires the establishment of two facts, first, that a person is either engaged, or holds himself out as engaged, in the circulation of matter of the offensive character described, and, secondly, is attempting to use the Post Office Department to further that business. I do not believe anyone can justify toleration of a situation that would permit a man to engage in such a business and use the Post Office facilities to promote it.

Mr. FINLEY. Mr. Chairman, we would like to go on with the bill, and I ask for the regular order.

Mr. FALCONER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Washington?

Mr. FINLEY. I will yield, of course.

Mr. FALCONER. I wanted to ask if it is not something of a dangerous precedent to establish to put this kind of an amendment or provision in a bill of this character, giving the Postmaster General the power when the common laws cover the point, and where anyone who now sends this kind of literature through the mails is subject to the penalties of the laws now on the statute books? I am against this amendment. I think it is un-American.

Mr. FITZGERALD. The law does not cover it, apparently. It is asserted that the literature or publication must be of such a character as to be not only obscene, but to incite a person to the perpetration of obscene acts. There is a great mass of literature of a grossly obscene and indecent character that should not be permitted to be transmitted through the mails which will not incite the perpetration of obscene acts.

Mr. TRIBBLE. Mr. Chairman, under what rule is the gentleman now proceeding?

The CHAIRMAN. Under the unanimous consent of the committee. If the gentleman makes the point of order—

Mr. TRIBBLE. I make it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 20. That the act of March 4, 1909 (ch. 321, sec. 198, 35 Stat., p. 1126), be amended to read as follows:

"Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than \$1,000 or by imprisonment for not more than three years."

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

Mr. FITZGERALD. I offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 51, in line 2:

After the word "same," insert "or shall deposit any circular or other printed matter not intended for the mails in the same."

Mr. FINLEY. Mr. Chairman, I reserve a point of order on that.

Mr. MADDEN. It is not subject to the point of order. It is dealing with the subject matter of the section. It should

have been put in in the committee. It was a question that the committee had agreed upon anyhow to report as a part of the section.

Mr. FINLEY. If the gentleman from Illinois will excuse me, I did not catch the full import of the amendment by the reading of it.

The CHAIRMAN. The Clerk will report the amendment again.

The amendment was again reported.

Mr. MADDEN. It simply prevents the littering up of the boxes. I ask for its adoption, Mr. Chairman.

Mr. BRYAN. Mr. Chairman, may I inquire of the gentleman if that amendment will apply to boxes in the rural districts, for instance, where men put circulars in the rural mail boxes?

Mr. MADDEN. If the matter is not intended for delivery through the mails, it would.

Mr. BRYAN. Mr. Chairman, I think I would like just a word.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] is recognized.

Mr. BRYAN. It is a common practice in the rural districts for a man to pass along the road and distribute circulars, for instance, which he wants the various farmers to get; and it is the practice for him to put those circulars in the rural mail boxes, and the farmer gets them. Candidates for Congress sometimes do that same thing in campaigning through the country. They go along a country road and put their cards and announcements in those boxes; and those boxes are owned by the people. If the gentleman refers to those boxes, I certainly think we ought to consider his amendment very carefully before adopting it.

Mr. MADDEN. The boxes are owned by the Government, or they are under the control of the Government, although they may be purchased by individuals; and they are United States mail boxes and subject to all the rules and regulations that govern the use of mail boxes, and nobody ought to be allowed to introduce any matter into any of those boxes that is not intended to go through the mails. If any person wants to communicate with people of a given territory, he ought to put his communication in an envelope and put a postage stamp upon it.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Certainly.

Mr. BURKE of South Dakota. I would like to call the attention of the gentleman to the fact that under a recent regulation of the Post Office Department people in towns and cities having free delivery are required to furnish a box if they wish to have their mail delivered.

Mr. MADDEN. Yes.

Mr. BURKE of South Dakota. Now, I would like to ask the gentleman if such boxes are subject to the control of the Post Office Department, and whether the provision he suggests would affect the depositing in those boxes of some matter that was not deposited with the intention of going through the mails?

Mr. MADDEN. I think they are under the control of the Post Office Department, and it is a regulation of the department now that wherever new delivery service is extended in any city in the United States the owner of the house to which mail is to be delivered shall, in advance of the mail delivery, be required to put such a box in place. Now, that box ought not to be incumbered with all kinds of rubbish.

Mr. BURKE of South Dakota. There are deliveries, I will say to the gentlemen in rural service where newspapers deliver their daily issues; and would the gentleman have it so that they can not deposit those newspapers in those boxes that were put up for the purpose of receiving mail?

Mr. MADDEN. I suppose the gentleman has reference to county newspapers?

Mr. BURKE of South Dakota. They may be daily newspapers.

Mr. MADDEN. I do not think that anything that is not permitted to go through the mails should be placed in any one of these boxes.

Mr. BRYAN. Mr. Chairman, I am afraid the gentlemen have used all my time; but this amendment should not be adopted. I think we would make a mistake if we should adopt an amendment here that permits a fine of a thousand dollars to be imposed or a penalty of imprisonment inflicted if a person puts into a receptacle that is used for the purpose of receiving mail anything that is not intended to go through the post office.

It seems to me it would be absurd. In our cities we have our little boxes at our doors, and men passing along distributing circulars and newspapers deposit the circulars and newspapers in them. That is the very place to put them. They are

not designed to go through the mails at all. The boxes are ours. They are intended for the reception of mail and information; and it is right that those things should be put there.

In the country districts the boxes are put up along the roadway by the farmers and inhabitants of the rural districts for the convenience of the people, as receptacles for all kinds of information, for notices of farmers' grange meetings, and notices of church meetings, and all such notices are put in there so that the farmers and the people living in the houses can know what is going on and can be governed in their actions by the announcements. I think the gentleman's amendment goes entirely too far.

Mr. MADDEN. The gentleman would be willing to admit that the permission to put such matters in the boxes defeats the purpose of the department to collect postage for all mails?

Mr. BRYAN. Mr. Chairman, I do not believe so at all. I do not believe that the class of information and pamphlets and circulars that I have referred to would go through the mail, although it may be possible that in some cases they would do that. But we are not running the Postal Service like a Chicago department store. We are not running this Post Office Department for the sake of making money out of it. We are running it for the purpose of disseminating information, and where information can be disseminated without a penny of cost to the Government we do not wish to derive any revenue from it. If that could be done all over the country, we would not have any post office; if the information could go out sufficiently without it, we would not have it. In all these offenses that are enumerated malicious intent is involved; yet by this amendment the putting of a notice of a grange meeting into a box, without malice of any kind, would be a crime, just the same as if a man should take an ax and cut down the box. I believe the gentleman from Illinois has a worthy purpose in view and has in mind the elimination of a real evil, but I believe this amendment is entirely wrong and entirely too far-reaching.

Mr. MADDEN. I believe that the gentleman would concede that if a man deliberately put into a box something that ought not to be there he would be doing it willfully?

Mr. BRYAN. Yes; there is not much to the word "willfully" by itself; if, however, something in the nature of acid or ink or some disfiguring substance of that kind is put into a mail box for the purpose of destroying the contents, that would be willful and malicious, but to put notices and announcements of grange meetings and church meetings in boxes at the front doors of people, erected there by the resident for the reception of circulars and information, and in front of the houses of farmers in the rural districts, I do not believe it would be out of place, and I certainly am opposed to the passage of such an amendment as the gentleman has offered.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FOWLER. Mr. Chairman, my colleague from Illinois [Mr. MADDEN] is one of the best-posted and one of the most industrious men on the Committee on the Post Office and Post Roads. His judgment is usually correct. But in the case of this amendment I am persuaded, Mr. Chairman, that because of his surroundings in a great city where crimes are so often committed he is not fully in sympathy with the views, customs, and habits of the country cities and towns and the country itself. It is said that the post-office box belongs to the Government, and that the Government should have control over it. It is true that the Government ought to have control over the box in a sense, but I desire to inform my colleague that in the country, where there is rural mail delivery, the boxes are very often left entirely open for convenience, so that any matter of use and information may be deposited therein.

Mr. FINLEY. And they are owned by the patrons.

Mr. FOWLER. They are owned by the patrons, who have a vested interest in them which should not be taken away from them by any authority whatever. Indeed, I know of boxes in the country which have been left open until the birds have built nests in them; and if you are going to impose a fine upon the depositors in the box you will have to extend it to the birds; and who would want to fine those beautiful songsters which enliven the homestead of any man in the country? [Laughter and applause.] I am inclined to believe that if the gentleman had ever lived in the country he would withdraw his amendment and say to those people who are anxious to get any piece of information that they can that they have certain vested rights which ought not to be taken away from them.

Mr. HOWARD. Will the gentleman yield?

Mr. FOWLER. With pleasure.

Mr. HOWARD. Under the procedure proposed by the gentleman from Illinois [Mr. MANN] an English sparrow could not



get a fair and impartial trial in the country, and he is the bird that uses the mail boxes.

Mr. FOWLER. Gentlemen in the city are not used to these songsters as we are in the country. Of course, as I understand, the amendment does not propose to deal with that question. But, Mr. Chairman, in all seriousness I think this amendment is too drastic, and I trust it will be defeated.

Mr. MANN. Mr. Chairman, it may be that this proposition is a little hard upon the rural free-delivery boxes. I do not know. For years the Post Office Department has been endeavoring to compel people who live in the cities to provide receptacles for the mail, on the idea that it would hasten the work of delivering the mail. Many houses and apartments have little mail boxes at the entrance. People who engage in circular delivery in the cities have taken advantage of this situation, and in many places to-day, in the city of Chicago, and I doubt not elsewhere, it is impossible for the postman to put the mail in the mail box, because it is already filled up with circular matter put in by circular-distributing agencies. Now, there ought to be some way of preventing that. The people who own the boxes do not want circular matter. The circular agencies can distribute these circulars more cheaply by sending persons around with them than they can by sending them through the mails; and I have had, and I doubt not my colleagues and other Members from the cities have had, many protests from patrons, because it was impossible for them to have their mail put into the receptacles which they had prepared, because those receptacles were filled daily with so-called circular matter, sometimes almost printed books, put in by these distributing agencies. The Government will never succeed in getting the people of the cities completely to put in mail boxes until they protect those boxes for the use of the mail. Every once in a while the Post Office Department issues a statement that it will refuse to deliver mail in the city at any house where there is not a receptacle. I receive such a notice once in a while. I never had a receptacle except for a short time, and it became such a nuisance, from the circular matter, that I tore it out and threw it away, and I do not propose to put in one until there is some sort of protection. Of course, I know that the bluff about not delivering the mail does not go. It is a pure bluff. I am old enough to know better, and have had experience enough to know that the Government will not refuse to deliver the mail. When it goes to the trouble of paying a dollar to carry a letter to somebody in Alaska who has not a mail receptacle I am very sure it is not going to refuse to deliver the mail because the carrier does not want to ring the bell.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BURKE of South Dakota. I should like to ask the gentleman if it is not true that in all cities there are a great many apartments that do not maintain a telephone system or have a clerk in charge, and as you enter the apartment building there is a mail box belonging to each of the apartments, and there is also a bell connected with each apartment? Callers ring the bell of the apartment desired and if the occupant is in he will answer the call by talking through a speaking tube. If no one is in the apartment, the caller usually deposits a card in the mail box or a note that he may wish to leave for the person he is calling upon. Would the gentleman say that ought to be prevented?

Mr. MANN. I doubt whether that ought to be prevented. Of course, it is true that the modern apartment building usually has these boxes. It is also true that there is a great protest now against the misuse of them.

Mr. BORLAND. I assume it is true in Chicago, as it is in most cities, that they have city ordinances governing the distribution of circular matter, and if it becomes a nuisance to distribute circulars in a certain way—for instance, if thrown on doorsteps or in hallways—the city can prevent it by ordinance; and the city could, by ordinance, prevent the distribution of circular matter to apartment houses in the way which has been stated.

Mr. MANN. A city can not by ordinance prevent the putting of this matter in the mail boxes. That question has been decided.

Mr. BORLAND. I do not think I agree with the gentleman.

Mr. MANN. I do not care whether the gentleman agrees with me or not. It has been decided in our city that it could not be regulated in that way.

Mr. BORLAND. I think the distribution of circulars can be controlled by city ordinance, it makes no difference how they are distributed.

Mr. MANN. That is another thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by inserting at the end thereof the following: "where such boxes are located in the corporate limits of cities of 300,000 population or more."

Mr. BRYAN. Mr. Chairman, I am opposed to that because my city of Seattle contains a population of 310,000.

Mr. HOWARD. Mr. Chairman, the object of this amendment is simply this: I can readily realize that the use of mail boxes in large cities for the distribution of circular matter and the defeat of the collection of postage by the Government is probably greatly abused, but in the country districts and the smaller cities no such condition exists. Especially is this true in the country. I know that the rural delivery boxes are used by people in the country who never go near the post offices and who sometimes live 8 or 10 or 12 miles from the post office; they are used by school-teachers for the distribution of efficiency cards of scholars; and sometimes a farmer will send down by some friend for an article which is deposited in the mail box as a matter of convenience. The farmers erect these boxes at their own expense, and there is no abuse of this kind in the country. If this amendment were adopted, it would work a great inconvenience upon the rural element of our population. On the other hand, I believe that in the large cities it is abused. So far as the population of Seattle, which the gentleman says is 310,000, is concerned, I, of course, made the limit 300,000 as an arbitrary limit, but if the gentleman wants to amend it by making it 250,000, all right.

Mr. BRYAN. I should want to put it at 350,000 or 400,000, because Seattle will soon reach 400,000 anyway.

Mr. HOWARD. There may be a time when Seattle will dwindle to 200,000, so the gentleman had better put it down. But, Mr. Chairman, that is the purpose of my amendment, and I hope that the amendment of the gentleman from Illinois will not be adopted unless my amendment is adopted.

Mr. BORLAND. Mr. Chairman, there is no necessity for this distinction between cities of a certain size; in fact, there is no necessity for the amendment at all. It appears from the statement of the two gentlemen from Illinois that the only purpose of this amendment is to correct an abuse of the distribution of circular and advertising matter by private distributing companies in the city of Chicago. That matter can be controlled in cities by ordinance. The cities license the distributing companies, and can provide ordinances under which they can do business. They do not have to license these companies. The amendment would cut out in all cities of 300,000 and over what the gentleman from South Dakota [Mr. BURKE] spoke of—people going to call on some one in an apartment house where there is nothing but a small hallway with mail boxes with tenants' name on them. If you do not find the person you wish, you put a card in the box and perhaps a message. That is done commonly in every city, and this proposed amendment would cut that out.

Mr. HOWARD. I think the gentleman is mistaken; it does not affect that class of matter; it says "circular matter." If the gentleman will read the amendment offered by the gentleman from Illinois, he will see that that is a fact.

Mr. BORLAND. The circular matter can be easily controlled by a local ordinance, and no amendment is necessary for that.

Mr. HOWARD. They would have to engage in the business of distributing circulars. You could hire a small boy to distribute the circulars.

Mr. BORLAND. There could be no great evil growing out of the distribution of circulars by a small boy.

Mr. STEENERSON. Mr. Chairman, so far as I know this amendment does not come with any recommendation from the Post Office Committee.

Mr. BORLAND. The whole amendment ought to be voted down.

The CHAIRMAN. Does the gentleman from Georgia wish to change the figures in his amendment?

Mr. HOWARD. I do not, Mr. Chairman.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 21. That section 3938 of the Revised Statutes be amended to read as follows:

"All letters of domestic origin which can not be delivered by postmasters shall be sent to the Post Office Department, and such as contain inclosures of value, other than correspondence, shall be recorded. If the sender or addressee can not be identified, such letters shall be held for a period of one year awaiting reclamation. If within one year they have not been claimed, they shall be disposed of as the Postmaster General may direct.

"All other undeliverable letters shall be disposed of without record and not held for reclamation."

Mr. LENROOT. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman of the committee with reference to this section. Section 3938 of the Revised Statutes seems to have been entirely rewritten in this bill. From the report of the Assistant Postmaster General the purpose seems to have been to cut the period of holding certain dead letters from four years to one year.

Mr. MOON. Yes.

Mr. LENROOT. I would like to ask what was the purpose in rewriting the section in the manner in which it has been written?

Mr. MOON. I do not know that I could tell the gentleman that there is any purpose except to put it in better shape. The purpose, the gentleman will understand, of changing from one year to four years is to prevent the vast accumulation of this matter. Much of the matter is valueless after a year, if not all of it, and it was thought best by the department to dispose of all of this matter promptly.

Mr. LENROOT. Mr. Chairman, I will say to the gentleman that what I have in mind particularly is the first two lines:

All letters of domestic origin which can not be delivered by postmasters shall be sent to the Post Office Department.

The next section in the statute provides that where letters can not be delivered, if there is a return card upon the envelope, they shall be sent to the addressee. My query is whether the language—

All letters \* \* \* which can not be delivered must be sent to the Post Office Department—is in conflict with the present language of the next section of the statute?

Mr. MOON. I think where the addressee can be reached it will be sent to him.

Mr. LENROOT. Is that a delivery?

Mr. MOON. Yes.

Mr. LENROOT. That is the only question I had in mind.

The Clerk read as follows:

Sec. 23. That on and after July 1, 1915, the compensation of each rural letter carrier for serving a standard route of 24 miles and over, six days in the week, shall be \$1,200 per annum, payable monthly; on routes 22 miles and less than 24 miles, \$1,152; on routes 20 miles and less than 22 miles, \$1,080; on routes 18 miles and less than 20 miles, \$960; on routes 16 miles and less than 18 miles, \$840; on routes 14 miles and less than 16 miles, \$720; on routes 12 miles and less than 14 miles, \$672; on routes 10 miles and less than 12 miles, \$624; on routes 8 miles and less than 10 miles, \$576; on routes 6 miles and less than 8 miles, \$528; on routes 4 miles and less than 6 miles, \$480. A rural letter carrier serving one triweekly route shall be paid on the basis for a route one-half the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis for a route one-half of the combined length of the two routes: *Provided*, That, in the discretion of the Postmaster General, the pay of carriers who furnish and maintain their own motor vehicles and who serve routes not less than 50 miles in length may be fixed at not exceeding \$1,800 per annum.

Mr. COX. Mr. Chairman, I move to strike out the word "each," in line 9, page 52, and add the letter "s" to the word "carrier," in line 9.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 52, in line 9, by striking out the word "each" and adding the letter "s" to the word "carrier."

Mr. COX. Mr. Chairman, this section involves very largely a section that was incorporated in the last Post Office appropriation bill. At the time the last section increasing the salaries of the rural-route carriers was incorporated in the Post Office appropriation bill there was no demand for it at all on the part of the Post Office Department. In fact, the Postmaster General before our committee explicitly made the statement that while none of his employees, he believed, were overpaid, yet he believed they were all paid sufficiently high salaries, and he made no demand or any request whatever for any increase of salary.

Congress, however, in its wisdom or unwisdom—and I shall not undertake to say which—increased the salaries of the rural route carriers \$100 per year. At that time there were approximately 43,325 rural route carriers in the United States, and that necessitated an appropriation of \$4,325,000 to comply with

the law passed by Congress. But in the readjustment of the salaries of the rural route carriers, which took place on the 1st of last July, the Post Office Department took into consideration certain additional equations that prior to that time had not been taken into consideration in fixing the salaries of the rural route carriers. Prior to the 30th day of last June the distance alone was the controlling consideration which governed the salary of the rural route carrier, 24 miles being fixed as the standard route; but when the Post Office Department on the 1st of last July undertook a reclassification of the salaries of the rural route carriers and to apportion the extra \$100 per year which Congress sought to give them it added two more elements, the weight and distance of the routes. It is true that the Post Office Department did not consume all of the \$4,325,000 which would have been necessary to carry out the express will of Congress, but in the reclassification it did add approximately \$1,871,000. In other words, in order to carry out the idea of the reclassification, the Post Office Department took \$1,871,000 of the \$4,325,000 which Congress had appropriated for that purpose.

Mr. HOWARD. Did it not also add length of time, making it weight, time, and distance in the reapportionment?

Mr. COX. Yes. Mr. Chairman, I thought there might be some question as to whether or not the Postmaster General had the power under the law to make that additional classification. On August 7, 1914, I addressed a letter to the Post Office Department with a view of seeing whether or not, under the law that was in force on the 1st of July last, the department had the power to take into consideration these other elements in the reclassification of the salaries of the rural route carriers. I shall not take the time to read all of the letter, but quote just this portion of it:

I beg to inform you that the act of April 21, 1902 (ch. 563, 32 Stats., 113), provides that the Postmaster General is authorized to classify the Rural Delivery Service and fix the compensation of employees in such service.

The Post Office Department or the Solicitor of the Post Office Department, at the request of the Postmaster General, replied that under the law which I have just read the Post Office Department had a clear right to reclassify the salaries on the 1st of last July, taking into consideration these two other elements that have never been taken into consideration by the Post Office Department prior to this readjustment.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I would like to ask Members of the House whether or not it is right to absolutely undo everything that the Postmaster General has done, which will be done if the word "each" remains in the bill, because that fixes positively and definitely, in my mind, an increase of salary of \$100 per year to each rural-route carrier in the United States? Before this work was undertaken by the Post Office Department exhaustive inquiries were inaugurated by the department with a view of seeing how much mail was carried by the rural-route carriers in different sections of the United States. It was found, and found indisputably to be true, that in many, many sections of this country the average weight of mail per day did not exceed 15 pounds.

In many, many sections of this country the average weight of mails carried per day by the rural-route carrier was less than 15 pounds. In many sections of the country it ranged all the way from 15 pounds up to 150 pounds per day, while, again, in many sections of the country, particularly in the West, Northwest, and up in the New England section, they carry from 4,000 to 5,000, 6,000, and 7,000 pounds per day, and yet they carried it at the same wage that the rural-route carrier got who only carried from 5 to 10 pounds per day. I believe this ought to be apportioned along the line of the amount of work that is done by the rural-route carrier, and I do believe that the Post Office Department in its reclassification has done equal and exact justice to all the rural-route carriers.

Mr. HOWARD. May I ask the gentleman one question?

Mr. COX. I yield for a question.

Mr. HOWARD. Does not the gentleman think distance ought to be the standard of measurement upon which the salaries of the rural carriers should be fixed?

Mr. COX. No; I do not. I think other elements ought to enter into it.

Mr. HOWARD. Will the gentleman state why that should not be the standard of measurement of the pay?



Mr. COX. Because if distance alone is to control, a man might by the use of a motor cycle travel 30 miles much easier and much quicker and much faster than a man would be able to travel the same distance who drove a buggy or used a two-horse wagon to haul that load.

Mr. HOWARD. Does not that fall upon the carrier himself who has got \$270 invested in a motor cycle, whereas he would have only \$70, \$80, or \$100 invested in a horse?

Mr. BORLAND. Will the gentleman yield?

Mr. COX. For a question.

Mr. BORLAND. I wish to ask the gentleman for information. Was I correct in understanding the gentleman to say that some carriers carried 6,000 to 7,000 pounds?

Mr. COX. They do.

Mr. BORLAND. A day?

Mr. COX. They do.

Mr. BORLAND. By what sort of a process do they carry it?

Mr. COX. I do not know; but that is exactly what the investigation disclosed that was put on foot by the Postmaster General.

Mr. BORLAND. There is a vast difference in the amount carried by different carriers?

Mr. COX. Surely.

Mr. BORLAND. Some carry as low as 15 pounds and some carry as high as 5,000, 6,000 and 7,000 pounds?

Mr. COX. That is true. Some of the extreme routes in the northwest and in the northeast parts of the country carry from 4,000 to 6,000 pounds and only get about \$1,100 for their entire work.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I hope this amendment will not pass if the amendment has the effect which the gentleman from Indiana [Mr. Cox] says it will have. I have always believed that the distance traveled by the carrier was the true basis upon which to fix salaries. Now, it seems that the Postmaster General disagrees with Congress upon this method of fixing salaries, and has added three other requirements for the carrier to fulfill before receiving the maximum pay provided for the carrier in the last Post Office appropriation bill, to wit, weight, number of pieces handled, and number of hours consumed in covering the route. Now, here is the thing we must not lose sight of, and it is very important to a man who is actually carrying mail on a route. For instance, suppose a rural carrier had only two pieces of mail and one of those pieces of mail was for a patron at the first box on his route and the other piece of mail was for the patron at the last box on the route and he had a 24-mile route. It would necessitate that carrier making that entire trip. Why? Because of the fact he is supposed to take up the mail deposited in the boxes and bring that in, and he is supposed to deliver the mail on that route.

Mr. RUCKER. And suppose he had none?

Mr. HOWARD. And suppose he had none, as suggested by my friend from Missouri. If he had not a single piece, he would have to go over that 24-mile route six days in the week. Now, it is easy to sit up here in Congress and talk about rural carriers being overpaid. I believe they are getting now a fair rate of compensation. I believe the carriers will be satisfied if they actually receive the compensation Congress voted them. I believe they are going to remain satisfied for some years to come, because the pay as now fixed is about what it ought to be, but when you take into consideration the monotony of the work, the covering every day of the same distance under changing conditions—rain, cold, snow, frozen and very bad roads—I think that distance ought to be the basis of pay, because it does not make any difference with a fellow when he is on the route as to whether he delivers 150 or 250 or 500 pieces of mail if he is on it.

Mr. LLOYD. Will the gentleman yield?

Mr. HOWARD. I will.

Mr. LLOYD. Does the gentleman mean to say that the rural carriers now are satisfied with the present interpretation of the law?

Mr. HOWARD. No; I did not mean to say that. What I meant was—

Mr. LLOYD. The gentleman stated a moment ago that the rural carriers were satisfied with their present pay.

Mr. HOWARD. That this law as now drawn, and as it will be if this word "each" is not stricken out, will be satisfactory; then that makes it mandatory upon the Postmaster General to pay them the salary we voted them in the last Congress.

Mr. LLOYD. The gentleman states the rural carrier was satisfied. Of course he is not satisfied and has not been satisfied since the 1st day of July.

Mr. HOWARD. I meant this, if I did not make it clear: If the salaries of the mail carriers are predicated upon the law

as it was intended by Congress when it passed legislation last year that each carrier should receive this additional \$100.

Mr. BORLAND. Assuming that there is a difference of from 15 pounds to 7,000 pounds in the amount that is carried daily by different carriers, does the gentleman undertake to say that difference ought not to be taken into consideration at all in the fixing of the pay?

Mr. HOWARD. Oh, yes; I think that difference ought to be taken into consideration by increasing—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD. In an isolated case, like my friend from Missouri has mentioned, I think it ought to be taken into consideration. I do not believe there is any rural carrier in the United States who is carrying, on the average, 7,000 pounds of mail a day. I think that is a dream that some inspector in the Post Office Department has had.

Mr. BORLAND. Suppose it ran from 10 pounds to 1,000 pounds?

Mr. HOWARD. That should increase the wages of the man who was carrying the 1,000 pounds and let the wages of the man who was carrying 10 pounds remain the same. Or abolish the 10-pound route. These routes are patronized or they would not have been established. And so, when you go to taking in the time element and piece element, and go around and undertake to predicate the carrier's salary on that, you will continue to keep him up in the air as to what he is going to receive. And there is one common-sense principle upon which to predicate it, and that is the distance and the time it takes that man to travel that route. Now, they say he employs an automobile. If he does, he has probably \$500 or \$1,000 invested in it. That is his investment and not the Government's. If he drives a slow horse, that is his misfortune; if he drives a fast horse, that is his good fortune. The carrier is the man that bears the brunt of the expense incident to the operation of his route. And I say, Mr. Chairman, that this particular word ought not to be stricken from the bill. It ought to be plain and unmistakable that the Government intended that these rural carriers have this \$100 increase. And no man, be he Postmaster General or anybody else, ever should have the right to vary the intention of Congress and divert a fund that we have appropriated for a certain class of our employees and withhold it from them when we have said that they should have it.

It is threatened by some that if we allow fair compensation for rural carriers the service will be placed on a contract basis. Let me, in conclusion, sound a word of warning, be you Democrat or Republican: Woe unto the political life of him who destroys the efficiency of the farmers' mail service. [Applause.] That is all I have to say about it.

Mr. MOON. Mr. Chairman, I do not rise to oppose the passage of this section of the bill, but to make some observations that I offer to the House and to the committee for whatever they are worth. I have always been very friendly to this service. I believe the country people are entitled to it and that it ought to be maintained. I believe I was on the committee when, by a single vote, in the experimental stage of this service, the amount was raised from \$350,000 to \$750,000, and I have voted for the increase until it has reached the amount that it is to-day. But there is an end to all things, and there ought to be an end to the depletion of the Federal Treasury in the interest of any class of officials. That these men are getting now that to which they are entitled I have not the slightest doubt. But, as I remarked, I am not going, in view of the fact that I know that the southern carriers in the Southern States form a great part of the Democratic political machine in that section and in the Northern States form a great part of the political Republican machine, to let it change my opinion. I know it is very hard to run against one machine, but when you confront two you are in very great trouble.

I want to make this suggestion: This great service, this valuable service, a service that ought to be continued and not impaired, is now losing to the people of the United States, if I recollect aright, about \$39,000,000 of money per annum. In other words, if it were not performed we would save that much. Or, again, the benefits that come from it, so far as revenue is concerned—and of course that is not all the benefit as compared with the actual cost—produce a deficit of \$39,000,000. The department has said to you, and says in this very report, that if you are willing to let the department contract for this service instead of having it performed by carriers who hold their office for life at a fixed salary, they can obtain at every office in the

United States men who will perform the service as well and will give to the country as efficient service in every way as possible can be had for a much less sum of money than you are now paying. In other words, they present to this Democratic House, standing upon a platform demanding economy and reform, a proposition that if you will permit them to contract this service they guarantee to you a saving of from \$18,000,000 to \$20,000,000 on this item every year.

I am not going into the discussion of the wisdom of the contract service as against the other service. I am not making observations to attempt to influence anybody on this side, but I want you to vote with your eyes wide open on this question, because you do not know what is coming after a while.

Another thing, you are taking away, if you pass this section without the amendment of the gentleman from Indiana being incorporated, the discretion we place upon the Postmaster General now on the question of salaries, a wise discretion that has never been taken from any Postmaster General heretofore.

You say that every route of 24 miles shall receive a compensation of \$1,200. You speak in figures as to the shorter route, on down the scale. Now, let us stop and think about that for one minute. I do not care whether you are anxious to serve your carriers, your country, or yourselves—anyway you want to put it—and I am not censuring you about your position at all, but give you full credit in your desire to perform your service as you think best—but take it from any view that you want, and I submit to you as a common-sense proposition, one that a wayfaring man, though a fool, can see the point of, that if a man on a 24-mile route over a good road, who has 3 pounds of mail to carry on a bicycle or automobile, and can perform that service in three to six hours, ought he to be paid as much for the service performed on that route as the man who has to travel in a wagon over bad roads and be out 12 to 15—

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MOON. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five minutes more. Is there objection? There was no objection.

Mr. MOON (continuing). Be out in the weather 12 to 14 hours, and carry from 2,000 to 4,000 pounds a day? Now, any sensible man knows if you give those two men the same compensation that it is not just, that it is not fair. Therefore it follows that if you are going to determine a compensation for a carrier that is just, you must take into consideration the elements that affect the service; that is, the number of packages that he has to handle and the weight of those packages. Why? Because while it may take one man practically the same length of time to travel the route as the other, he has got to handle packages that the other does not handle. They are more or less heavy and more or less numerous, and the time consumed is very much greater by one than the time consumed by the other. I suggest to you that you do not tie the hands of the Postmaster General along that line. It is not a wise thing to do.

I am not going to vote against this section. As chairman of the committee, it is proper for me to state these facts. I do not care what you do about it. I am going to tell you as I did about the assistant postmasters. I am going to prophesy again, that if you do this, if you destroy this discretion of the Post Office Department, you take away the only protection the people have against the plunder of the Treasury along this line. The power that exists in the department under the general law will be sufficient to wipe out and put under the contract system more than half of the postal routes in the United States if they want to exercise that power, which I hope the necessity may not arise to do. I am opposed to it. I want to retain the carriers. I want to retain the routes. I want to give just compensation. I want the country people to have the benefit of it. But if it is to come down to a question of plundering the Treasury of my country and turning over its revenues to men who do not perform service commensurate with value received, if it comes to the point where the judgment of the department must be overridden in the interest of any class of officials, then I want to say that I believe if the power exists under the law and the Constitution, the department ought to exercise it—and I do believe it—to discontinue these routes, in part, and establish the old post office again, and make it nonaccounting, so that practically it will be of no cost to the Government, and enlarge the power of the star-route carrier so as to give him, in effect, some of the powers and duties of the rural carrier. Then the service can be performed perhaps as well as now.

I want to impress upon you the fact that I am not going to oppose this section. I am not going to make any objection to

it. I know you are head bent—I might use another word with propriety—on passing this section. I know you are. But, as one who wants to preserve the rural routes, as one who has been interested in them from the very beginning of the experimental stage, and as one who believes it would be better to continue this service as it is than to discontinue it, I want to say to you that the Government and people can not afford to assent to the passage of such laws, because it will not be justified.

Mr. HOWARD. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. MOON. I yield to the gentleman.

Mr. HOWARD. Does the gentleman prognosticate that if the Cox amendment is not passed, in a few months or years the Rural Delivery System will be under contract?

Mr. MOON. No; I think if you continue to pass provisions of this sort the Government will be forced, under the power it has now, to abandon a lot of these routes, which will put you back to the star routes, which I would regret very much.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, let us understand exactly what is the force and effect of this amendment if adopted. The gentleman from Indiana [Mr. Cox], the author of the amendment, and the chairman of the committee [Mr. Moon] both say that the effect of it will be to continue present conditions. If this amendment is defeated, then, instead of having the conditions as they exist at the present time throughout the United States, of which the people as well as the carriers are complaining, they will be prevented.

The proponent of the amendment [Mr. Cox] said that by reason of the fact that the will of Congress in making the appropriation at the last session of Congress was not carried out a saving of something like \$3,000,000 was made possible, as that amount was not used. Congress appropriated so much to carry out a certain specific and well-defined purpose, and that purpose was to increase the salaries of the rural carriers in this country on standard routes \$100 per annum, and upon routes of shorter length a proportionate amount. It was not only intended that that should be done, but Congress appropriated the identical sum of money necessary to carry out that intention and purpose. The Postmaster General, under rules and regulations which he promulgated and adopted in the Post Office Department, prevented the increase of \$100 per annum by taking into consideration other matters, to wit, distance, and the weight and number of packages which the rural-delivery carrier carried along his route, and the time necessary for him to perform the service.

Now, then, the question with you, my friends, the question with us all, is whether or not we shall have the intention and purpose of Congress carried out; whether our intention and purpose shall be adopted and shall be executed, or whether the construction of the Post Office Department shall prevail over the intention and purpose of Congress, which is well known by every Member on this floor.

Now, then, the chairman of the Committee says that it is dangerous to take away this discretionary power from the Postmaster General and fix these salaries ourselves. Is it more dangerous to take it away from him than it is to take it away from the Representatives of the American people upon the floor of this House, who are charged with the enactment of the laws, and charged with the expenditure of the public funds, and charged with the responsibilities that rest upon them for the exercise of which they must go back to the people and be held responsible by them for whatsoever they do here? [Applause.]

Shall we have the purpose and intention of the people, expressed through their Representatives, carried out, or is it more dangerous to take away from the people, through their Representatives assembled on the floor of this House, that power and vest it in any department? I prefer to trust the people and put the responsibility on the Representatives of the people, and when they speak and enact laws and put them upon the statute book and appropriate the money to carry out the execution of those laws the money should be expended for that purpose and the Representatives be held responsible who vote the appropriation.

Mr. MOON. Mr. Chairman, will the gentleman allow me to interrupt him?

Mr. CANDLER of Mississippi. Yes.

Mr. MOON. It is not a question of trusting the Representatives of the people or trusting the department. The department is as much a representative of the people as we are. The point is this, that if you are going to leave the law on the



subject as it now stands and then make these changes here, you will have to repeal the whole law to destroy the power of the Postmaster General over the control of the rural routes, because this section does not affect that in any way. It only affects the carrier. He has the power now. You are not attempting to take away from him the power to control the routes. If you want to tie the hands of the Postmaster General completely and prevent anything being done except to increase the pay of the carriers before every election comes along—

Mr. CANDLER of Mississippi. Oh, we are not doing that—

Mr. MOON. You have got to do this: Not only take away from him all the power he has over rural carriers but over rural routes.

Mr. CANDLER of Mississippi. Nobody wants to take away from the Postmaster General the power he has over his department or any part of it. No one on the floor of this House would do that. I have the greatest admiration and very highest regard for the Postmaster General. He is my strong personal friend, and I am his friend and he knows I am. I have known him many years, served here in this House with him, and I have the greatest confidence in his honesty and in his integrity and in the purity of his purposes and actions, so far as that is concerned, and he is giving the country a great business administration, for all of which I heartily commend him.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANDLER of Mississippi. I ask leave to proceed for five minutes more.

Mr. BARKLEY. Perhaps the gentleman can throw a little light on this language.

Mr. MOON. Mr. Chairman, before the gentleman proceeds, I will ask unanimous consent that all debate upon this amendment and upon the section close in 20 minutes.

Mr. FERRIS. Reserving the right to object, will the gentleman yield five minutes to me?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this section and amendments thereto close at the expiration of 20 minutes.

Mr. JOHNSON of Kentucky. I object.

Mr. FINLEY. I suggest that the gentleman make it 25 or 30 minutes. There are several gentlemen who wish to be heard.

Mr. MOON. I have no objection to giving Members all the time they want. If they want 30 minutes, let them say so; but the time for debate on this proposition has already expired under the rule. I am just proposing to extend it. If Members want 30 minutes, all right.

Mr. JOHNSON of Kentucky. I should like five minutes.

The CHAIRMAN. What is the request of the gentleman from Tennessee?

Mr. MOON. That the debate be extended 30 minutes on this section and amendments thereto, and that the Chair control the time.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this section and amendments thereto close in 30 minutes. Is there objection?

Mr. CANDLER of Mississippi. I have an amendment or so that I want to offer, in addition to this amendment which is now pending. If the 30 minutes are exhausted in debate on this amendment, then there will be no debate on other amendments. If you limit the time only on this amendment, I have no objection.

Mr. MOON. I do not suppose you want 30 minutes on this amendment?

Mr. CANDLER of Mississippi. No.

Mr. MOON. It is 20 minutes after 1 o'clock, and I will amend my request so as to require a vote on amendments to this section at 2 o'clock. That will give all the friends of the rural-route carriers a chance.

The CHAIRMAN. Will the gentleman from Tennessee state his request again?

Mr. MOON. I ask unanimous consent that debate on this section and amendments thereto close at 2 o'clock.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this section and amendments thereto close at 2 o'clock. Is there objection?

There was no objection.

Mr. MOON. Let the Chair control the time.

The CHAIRMAN. The Chair will control the time. The gentleman from Mississippi [Mr. CANDLER] is recognized for five minutes.

Mr. BARKLEY. I wish to propound a question to the gentleman from Mississippi. The language of this section as it now stands reads as follows:

That on and after July 1, 1915, the compensation of each rural letter carrier for serving a standard route of 24 miles and over, six days in the week, shall be \$1,200 per annum.

Under the amendment as proposed it would read as follows:

That on and after July 1, 1915, the compensation of rural letter carriers for serving a standard route of 24 miles and over, six days in the week, shall be \$1,200 per annum.

I should like to know what is the difference in the meaning and what change is made by striking out the word "each" and making the word "carrier" plural instead of singular. If the gentleman can throw some light on that, I shall be glad to have him do so.

Mr. CANDLER of Mississippi. As was stated by the gentleman who offered the amendment, and also as stated by the chairman of the committee himself, the purpose and effect of it would be to permit the continuance of present conditions and the enforcement of such other rules and regulations as might be adopted in the future to fix the salaries of rural carriers.

Mr. BARKLEY. I am frank to say that I can not see where the striking out of the word "each" and the making of the word "carrier" plural gives any discretion to anybody.

Mr. CANDLER of Mississippi. We did not see the change in the old language when we put it in the last bill, in the identical language in which it was the year before, but still by rules and regulations the effect of that language as before construed was nullified and the purpose of Congress was not carried out. These gentlemen who stand behind the scenes, and who know what is occurring, and who have the information from the Post Office Department which we do not have, information which is given in the hearings before the committee, know the force and effect of the language which they offer on the floor of this House, or they would not be offering it. And as I stated a moment ago, the gentleman who offered the amendment stated that that was the purpose and object of it, and the chairman of the committee said the same thing. Hence he believes, and the committee believes, that it will have that effect.

Mr. BARKLEY. If the gentleman's own construction of his amendment be true, then the compensation of rural letter carriers for standard routes of 24 miles and over would not be \$1,200 per annum.

Mr. CANDLER of Mississippi. It might not be, under the rules and regulations adopted by the Post Office Department, and we know it is not now under existing rules and regulations.

Mr. BARKLEY. I understand. That is the construction the gentleman from Indiana places on his own amendment.

Mr. CANDLER of Mississippi. Yes. Under this language as it stands in the bill, with probably one amendment, there would be no question and no doubt in the world but what each and every rural-delivery carrier in the United States who travels 24 miles or more would get the \$1,200. Therefore it is better to make it specific and definite, so there will be no doubt about it, than to put in words that would destroy the specific and definite purpose that we desire to express.

There is another thing I want to call your attention to, and that is the word "standard." If you leave the word "standard" in here, in my judgment the Post Office Department may prescribe what is a standard route of 24 miles by saying that a standard route of 24 miles shall consist of a route where the carrier travels 24 miles and carries so much weight and so many pieces of mail and takes so much time to do it. Hence I say that the word "standard" ought to be stricken out, and instead of saying "standard" route say "rural" route of 24 miles in length, in order that we may ourselves define a "standard route," and not leave it to the construction of some officer to whom the power of execution is delegated. Therefore I protest against the pending amendment, and hope you will vote it down. I will offer an amendment later to strike out the word "standard" and insert the word "rural," in line 10, page 52, and if that amendment is adopted, then the bill will read "the compensation of each rural letter carrier for serving a rural route of 24 miles and over, six days in the week, shall be \$1,200 per annum, payable monthly." That will make it definite and specific and relieve it of every doubt. Let us vote down this amendment, and then strike out "standard" and insert "rural," and the carriers will then receive \$1,200 beyond question, as there will be left no occasion for construction or adoption of rules and regulations for it will be the law beyond a doubt. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to amend the bill by striking out the word "standard" in line 10, page 52.

Mr. COX. To that, Mr. Chairman, I reserve a point of order. Mr. JOHNSON of Kentucky. Mr. Chairman, in that connection I desire to say that under the present law carriers who deliver the mail about the cities are paid \$100 a month. These carriers not only do not furnish their own transportation but instead have it furnished for them at the expense of the Government. We see the carriers going about the cities with automobiles and with horses and wagons furnished them by the Government. Not only do we see that, but we see carriers in the cities furnished with street-car tickets when on their rounds collecting and delivering the mail in cities.

But when it comes to the rural service, the carriers are paid less than the city carriers and are required, on long routes, to keep two or three horses; and, in addition to that, are required to furnish their own wagons. In my judgment, it is a matter which resolves itself down to the fact that the city carriers are either paid too much or the rural carriers are paid too little. I do not say that the city carriers are paid too much, because the question arises in these times of the high cost of living whether or not a man can support his family upon less than \$100 a month. Consequently, I have no fight to make on that proposition, but I do insist, and I think my position is right beyond all sort of question, that the rural carrier who receives \$1,100 for the 20 or 25 mile route, and that route extending over muddy roads, where he has to change horses every other day, is not sufficiently compensated for it.

I wish to strike out the word "standard" so there can be no sort of question as to what the right of the carrier will be, so that a Postmaster General or nobody else can juggle with that word "standard" and decide that it means that he can fix the salary for the route notwithstanding.

I want to commit myself unquestionably to the policy of paying these rural-route carriers more, because they have to furnish their horses and wagons. I believe it ought to be done and I believe it will be done. [Applause.]

I, for one, shall always be found endeavoring to preserve the efficiency of the rural service.

Mr. FERRIS. Mr. Chairman, I shall only detain the committee a moment. I usually rely on the committee and vote with the committee, and I intend to do so in the future; but to strike out the word "each" will again put this rural-carrier salary matter into the House to be battled hither and thither as a political football, and no one wants to do that. I think \$1,200 is enough for a rural carrier—all he ought to get—that he ought to get that, and that we ought to stop right there. So long as you leave any question or doubt as to what the department is going to give them, we will have this trouble every time that the appropriation bill comes up. A year ago Congress, at the end of a long debate, intended to give the rural carriers \$100 a month. They are not all getting it. By the construction placed there by the Post Office Department they have not got it. As the bill is written, and as I understand it, the proposition in the Post Office appropriation bill as it now stands in the bill gives them that. Now, the gentleman from Indiana [Mr. Cox] moves to strike out the word "each" and throw it again into doubt. I do not think it is good policy; I do not think it is good economy; I do not think it is what the bulk of this House, on both sides of the aisle, desires to do. I believe the great majority of both the Democrats and the Republicans believe that \$1,200 a year is not giving too much pay to the rural-carrier service. I believe that they will practically all vote for it when they understand it. They voted for it a year ago, and they will vote for it now. In conversation a moment ago with a member of the committee he said, "If you strike out the word 'each' you will give the Postmaster General the authority to reconstruct it and to give what he thinks they ought to have." Now, I do not reflect on the Postmaster General. I am more fond of him than of any other Democratic departmental official. I think he is making good; I think he will go down in history as one of the greatest Postmasters General we ever had. I think this is the only fly in the ointment in his administration—that he wants to keep tinkering and tampering with this service—and I do not think Congress is in sympathy with him. I think any time when we can have a square-toed vote, where Members understand the situation, they will vote to give the carriers this amount.

It is the most appreciated service of any Government service. It is the one service that really reaches the rural community.

Of course the Postmaster General is making good. Of course he is trying to save money; but the people do not want him to stint or even run the risk by stinting of crippling this service.

Mr. GOODWIN of Arkansas. Mr. Chairman, I am not a member of the Committee on the Post Office and Post Roads, but I do not know of any service that reaches so great a body of the people as the Rural Free Delivery Service. There seems to be an effort here—and I do not know that anyone is opposed to the system at all to largely cripple this feature of the Postal Service—and there has been a hue and cry raised here to economize along this line.

Now, I think that might be false economy. I do not think the Post Office Department should be put on a paying basis if thereby you are impairing the service in that department. The Army and the Navy are not self-sustaining propositions. We spend about \$250,000,000 for the maintenance of a great Army and a great Navy, and if the times portend anything—if certain militarists have their way—we may double that amount in the near future. Nobody contends that the Army or the Navy should be put on a self-sustaining basis. The courts of the country are not a self-sustaining proposition. The Federal courts are not a self-sustaining proposition, and neither are the circuit courts of our respective States self-sustaining propositions.

But we hear it everywhere said that we can save a few million dollars a year by abolishing the rural free delivery as it now obtains if we place the same upon a contract basis. The people do not want the Post Office Department put on a contract basis again; they do not want the old star route to be once more brought into vogue, or the rural mail service either overturned or impaired. If the rural people see one thing more than another in the way of the Government coming to their immediate relief, it is the fact that the rural free delivery route reaches into every nook and corner of the Government where it has been inaugurated. To them that is something visible, to them that is something tangible. They can take that and seize upon it and appreciate it. They get their mail every day, and they can send to the town or the city and exchange the products of their farm for the goods they may buy from the merchants. I know that the Post Office Department down here is a friend of the rural carrier, and, with the gentleman from Oklahoma [Mr. FERRIS], we are all very fond of the Postmaster General. I do know that he would not destroy the rural route service of the country nor lessen its efficiency, nor do I believe that any Member on this floor would overturn and subvert that great system, but if you want to raise a protest, so to speak, with the great rural population of this country, then abolish the great service they now have and put the same on a contract basis. We hear no contention made that the letter carriers of the city should be placed on a contract basis. Why make a discrimination between the rural-route carrier and the city carrier, who has no investment, as the gentleman from Kentucky [Mr. JOHNSON] a moment ago demonstrated?

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. GOODWIN of Arkansas. Yes.

Mr. COX. The gentleman knows that there is not anything at all in this bill that proposes to put the rural-route carrier service on a contract basis.

Mr. RUCKER. Oh, yes; there is.

Mr. GOODWIN of Arkansas. There is this experimental scheme.

Mr. COX. Oh, no. That went out on a point of order made by the chairman of this committee.

Mr. CANDLER of Mississippi. It went out on a point of order, but the chairman of the committee discussed it a while ago.

Mr. GOODWIN of Arkansas. I know it went out on a point of order, but I will say this, that the proponents of this bill, the members of that committee, are largely in favor of subverting and overturning the present system and putting the same on a contract basis. I believe that was recommended by the Postmaster General, for whom I have the highest regard.

Mr. WINGO. Is it not true that within less than an hour it has been urged by the chairman of the committee that if we do not adopt this amendment the Postmaster General will exercise his authority under the law and put at least half of these routes on the contract system?

Mr. GOODWIN of Arkansas. My colleague is correct in the main, as I understand it. I heard the statement of the chairman a few moments ago. Mr. Chairman, it seems that whenever a little money dribbles out into the great rural communities of the country, and the country boys pick up a few extra shekles here and there, we then begin at once to want to economize, but we hear nothing about the other contractors and the other officeholders, whose sums in the way of compensation are fabulous as compared to that of the rural carrier. We do not raise our voice in protest against those things at all, but



we say that because, forsooth, two or three or maybe five million dollars of money may be saved which now goes to the rural carriers it should be done, although we may impair the service.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. RUCKER. Mr. Chairman, I dislike to take issue with the great committee which reported this bill or with any member of that committee.

Mr. FOWLER. The gentleman is not taking issue with the committee. We put it in.

Mr. RUCKER. I know they are sincere in their purpose and have as much interest in the general welfare of the country as those of us who differ from them in some respects. Referring now to the suggestion just made by the gentleman from Arkansas [Mr. Wingo] in respect to the statement made by a member of the committee a few moments ago to the effect that unless the amendment offered by the gentleman from Indiana [Mr. Cox], one of the members of the committee, should be adopted, thereby giving certain wanted latitude, license, power, or privilege to the department, that the department would perhaps exercise the power conferred on it by law to annihilate the Rural Delivery Service, all I have to say is that the assertion is astounding. The Postmaster General is a gentleman for whom we all entertain the highest regard; was recently one of our colleagues here, trusted and followed; and as Postmaster General has no vestige of power except that given to him by Congress, unless it is obtained or taken by usurpation. I can not believe and I will not give credence to the threat implied in the language of the distinguished gentleman from Tennessee [Mr. Moxx] that the Postmaster General of this great Republic would so far forget his duty to the American people as to become vexed and piqued because the Representatives of the people see fit to do certain things, and that, therefore, in retaliation for that which he thinks we ought not to have done, he will blast the hopes, aspirations, and happiness of hundreds of thousands of American citizens. I do not believe he will do it. I say to you it sounds the death knell of Democratic Postmasters General whenever he puts the ax to the roots of the rural delivery tree in this country. [Applause.]

The people pay the expense, the people demand this service, and I tell you the time will come when every man, if he does not know it now, will know that the people are mighty and that in the end they must and will prevail. This Congress sought a year or more ago, whether rightfully or wrongfully, whether wisely or unwisely, to fix the compensation of rural carriers at twelve hundred dollars for every route of 24 miles or more, but by some combination of figures and facts, in some cases where the pay had been eleven hundred dollars, it was increased, not \$100, as Congress provided, but \$4 a year, and in one case \$1 a year. Gentlemen, it will not do. Every time this question comes up gentlemen talk about economizing in the Postal Service, which affects the great body of the American people. Grant that we can save some money, grant that it would be more economical in this country to have the farmer cease following his plow and wend his way to the post office somewhere to obtain his mail. The people in the country are entitled to this service as much as the people in the great cities are entitled to it, and I am making no warfare on those who live in the cities. Is the salary at twelve hundred dollars too much? Who says it is? I grant that it is unequal. I readily concede that if twelve hundred dollars is an adequate and fair compensation to the man who carries 25 pounds, then twelve hundred dollars would be wholly inadequate compensation for the man who carries daily, or even some days, 7,000 pounds, as the distinguished member of this committee said, though I am quite sure that he was mistaken.

Mr. COX. Oh, I beg the gentleman's pardon. I was not.

Mr. RUCKER. If the gentleman is certain about that, the query in my mind is why some enterprising man does not establish a railroad to haul this immense traffic around.

Mr. COX. If I am mistaken about it, my mistake originated in the Post Office Department, because that is the result of their investigation.

Mr. RUCKER. I heard a gentleman yesterday read some figures that looked like somebody in the Post Office Department had made a mistake.

Mr. COX. I have in my hand a tabulated statement of 500 or 1,000 post offices.

Mr. RUCKER. I concede that. But will anybody say that \$1,200 is adequate compensation to pay for the service of carrying the mail on a 24-mile route, where he must sometimes carry 7,000 pounds a day, enough freight to make three good two-horse wagonloads?

Mr. COX. No; it is not; he gets more.

Mr. RUCKER. The time will come when such a case must be taken care of and he must be paid more. Now, the question is, Is \$1,200 too much for an average route? I say no.

Mr. FOWLER. So say I.

Mr. RUCKER. I am not here pleading for the rural carrier as an officeholder. I am not here pleading for him or pleading his necessities. I am here talking about him from the plain, common-sense standpoint of fair, even-handed justice between man and man. What must he do? Why, in the towns where the mail trains arrive early in the morning he must leave at 7 or 7.30, and in towns where the mails come at 10 o'clock he must leave at 10.30 or 11 o'clock. In communities where the mail on through trains reach the distributing point at noontime he must go at 1 o'clock. He must perform his work in the forenoon, he must perform it in the afternoon, and whether it is sunshine or rain, whether he is pierced by the cold blasts of winter or caressed by the balmy breezes of springtime, he must go, day after day. This last week, in visiting some of my friends in West Virginia, I daily saw a rural-route carrier wending his way over those mountain roads at 11 o'clock in the morning, just leaving town, with snow a foot and a half deep and the temperature below zero. He must perform that service and return to his home by nighttime.

Mr. GREEN of Iowa. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. I desire to say to the gentleman, in my town he would have to come at 7.30, and if the mail did not get in on time he would have to stay until 11.

Mr. RUCKER. Or later.

The CHAIRMAN. The Chair desires to say there are two amendments to be put. Is it the wish of the committee to have the first amendment put now or to have both put at the conclusion of general debate? The amendments are not necessarily related to each other.

Mr. McKELLAR. Can not we have the amendments read again?

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana and the amendment offered by the gentleman from Kentucky.

Mr. COX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. Has every one spoken who desires to do so? Has general debate been exhausted?

The CHAIRMAN. No.

Mr. MONDELL. Is debate exhausted?

The CHAIRMAN. No; under agreement debate on this paragraph runs until 2 o'clock.

Mr. MADDEN. Mr. Chairman, I would like to be recognized.

The CHAIRMAN. That will give three five-minute speeches. If members of the committee claim recognition for those three speeches, of course the Chair will have to recognize them as against other Members. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, I think I am as much in favor of justice to men who have to work for a living as any man on this floor. I want to see justice done to every rural letter carrier. I think, however, that the amendment offered by the gentleman from Indiana is a reasonable amendment and will do no injustice to any man in the rural service. Now, let us look for a moment and see whether or not they are compensated as they ought to be. The men who carry the mails in the cities of the country as a rule are required to serve as long as three years as substitutes. During their substitute service they are required to report every morning at the post office for duty, and in the large cities, like Chicago, they are required to pay their fare back and forth, and the average earning power of a letter carrier during his three years' substitute service amounts to \$30 per month. At the end of his substitute service he goes into the regular service at \$800 a year. He works himself up to \$900, \$1,000, to \$1,100, and finally to \$1,200. It takes him nine years of service before he reaches the \$1,200 grade. It is true that he does not have to furnish equipment to carry the mails, but it is also true that the men who carry the mails on their backs in the great cities carry as much as 50 to 60 pounds of first-class mail in a single delivery and at the same time carry anywhere from 5 to 25 packages of parcel post. There is complaint about this overloading of the men. Whether the complaint is just or not I am not prepared to say, but I think it only fair to say to the men who are engaged in the Postal Service of the country, whether it be city or country, that the Postmaster General ought to have some discretionary power. If you take away the discretionary power of the Postmaster General he is a figurehead; he is a stalking horse; and any letter carrier can tell the Postmaster General what his duty is, and he has no power to resent a statement made by a letter

carrier. Now, it seems to me that there ought to be power somewhere to regulate. Let us see what the rules of the Department are to-day as to the rural carrier. Under the present rules of the department a man who carries a 24-mile route as a rural carrier gets \$1,200 a year. If he carries a certain weight of mail, regardless of the length of the route—whether it is 4 miles or 24 miles—he gets \$1,200 a year.

If his route requires him to work eight hours a day, regardless of the length of the route or weight of the mail he carries, he gets \$1,200 a year; and if he carries on a route of more than 24 miles, regardless of the weight of the mail, he gets \$12 per mile per annum for every extra mile over 24 miles. Those are the rules laid down by the department. Can anyone say that they are unjust or unreasonable? Ought anyone to say that the Postmaster General of a great country like this, charged with the responsibility of conducting a department that spends one-third of all the revenue of the Government of the United States, should have his hands so tied that a rural letter carrier or a city carrier can tell him what his business is? For one, I do not believe he should.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, I will take just a moment of the time.

On March 6, 1914, a bill which had passed this and the other legislative body was approved, giving, as this body understood, and as the other body understood, and as the chairman of the committee in charge of this bill understood, \$1,200 to those rural carriers having 24-mile routes throughout the United States. A construction was placed upon that law absolutely adverse to that understanding by the Postmaster General. And this House, in order to make itself plain and understood and to instruct the Postmaster General, later, on the 6th day of August, 1914, expressed itself in the passage of a bill which placed a construction upon the original law which had been passed and approved. That bill evidently came to the notice of the Postmaster General, but he has insisted in refusing to accept the construction of the two bodies that passed this law, and now is asking, through the pending amendment, to have his discretion extended so that he may again place an unfavorable construction on what is believed by a large majority on both sides of this House to be just and fair. That is a regulation providing that the rural carriers having 24 miles or more on their routes should have \$1,200 per year. And I think instead of amending this so as to extend and continue that discretion, which has been used and operated against the carriers of the United States, we should make it so definite and certain, as it is in this bill, that neither the Postmaster General nor anyone else shall have any right or opportunity to misconstrue it through any discretion that we may see fit to grant him here. In this, our third effort, the Postmaster General should be able to catch our drift. It should be the purpose of administrative officers to execute the law as intended and expressed by the Congress rather than along lines of departmental policy or wish.

Mr. LINTHICUM. Mr. Chairman, the gentleman from Indiana [Mr. Cox] moves to strike out, in line 9, page 52, the word "each" and to add to the word "carrier" in that line the letter "s," thereby amending this section. Although not clearly shown upon its face, it would vest in the Postmaster General similar powers which he has heretofore exercised. I have the greatest respect for the Postmaster General, and I know that he is endeavoring to make a splendid public official and to put the Post Office Department upon a self-sustaining basis.

The gentleman from Illinois [Mr. MADDEN] has argued that the Postmaster General should be given great latitude in fixing the salaries and arranging details as to the rural letter carriers.

I represent a city district, and of course have no rural letter carriers there, but I also spend a part of the year in the country where we do have rural letter carriers. I am therefore much interested in their proper and fair treatment, because I observed from personal contact the arduous duties which they perform.

I can not see why Congress should not fix definitely the salaries to be received by these public servants. The last session we thought we were fixing their salaries, and we appropriated something like \$3,000,000 to pay for this increase. The Postmaster General, however, so construed his powers as to eliminate the extra pay almost totally, and thereby retaining in the Treasury about \$3,000,000 which Congress had intended to give to the rural letter carriers as increased pay. The Postmaster General understood definitely what Congress wanted, but he did not increase their salaries as was contemplated. I am therefore in favor of the bill as it stands, so that the rural letter carriers will know exactly what they are to receive and

so that the Postmaster General will know from this bill exactly what Congress intends their salaries to be. Congress defines and fixes the salaries in the various departments of other public officials, and there is no misconception as to what it is intended for them to receive, and I can not see why the same definiteness should not be defined in this bill.

Congress is a body which represents the great mass of the people. It is elected every two years. Its Representatives come in direct contact with the people of the country, and should, and do, reflect their views and wishes, and are directly accountable to them for the legislation which it passes. It is therefore clearly the duty of Congress to fix these salaries and not to leave it to the Postmaster General, as has been done.

I am proud of the fact that our Postmaster General has succeeded in placing the department upon a self-sustaining basis, and for this he deserves great credit and the thanks of the people of the land.

I realize that to perform the rural service as we are performing for the people of the country costs about \$39,000,000 in excess of what we receive in return in dollars and cents. I look upon the Postal System, however, upon a broad scale. It is the one department of the Government which is dear and close to the people. The expense in serving the mail to those sections of the country sparsely settled will probably not pay for many years to come, if at all, but the revenue received from those sections and cities thickly settled will abundantly provide for the loss in the sparsely settled sections. We should therefore look upon the system as one great, governmental department, and so long as it will make its own expenses and perform its great duty with efficiency and dispatch I am quite sure the people of this country will not only be satisfied but vastly gratified as well.

These rural letter carriers have considerable expense. They are compelled to provide their means of transportation and to deliver the mail each and every day in the year. While in the summer the work may be light and pleasant, in the winter it becomes onerous and very unpleasant. The roads in the greater part of the country where the mail is delivered by the rural carriers are not only bad in winter but often miserable and almost impassable.

I received a letter this morning from a rural carrier in my State, who says that during the summer one horse will perform the work on his route, but that during the winter he is compelled to have two horses to do the same service. There are many routes in the State of Maryland, especially those in the mountainous sections, where more than one horse is required almost constantly.

Mr. RUCKER. Most of them require two.

Mr. LINTHICUM. Yes; most of them require two.

Mr. RUSSELL. And some of them three.

Mr. LINTHICUM. My friend from Missouri [Mr. RUSSELL] says three. We see, therefore, gentlemen, that the salary provided in this bill is largely taken up by the expense of the maintenance of the equipment necessary in the work.

I will say in conclusion, therefore, that I am heartily in favor of the passage of the bill as it stands, so that Congress will know that the rural carriers are to get the salary which it has fixed. The amounts are definite and certain, just as they should be, and as they are usually in all other departments of the Government.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FINLEY. Mr. Chairman, what I shall say voices the action of the Post Office Committee of the House. There has been some talk here about the committee amendments. The action of the Post Office Committee of the House is contained in section 23, as reported in the bill on pages 52 and 53.

I am not one of those who wish to pay people more for their services to the Government than those services are really worth. I wish to say that when Congress at the last session passed the act that it did, everybody expected that the salary of the carriers on standard routes of 24 miles would be \$100 a month, or \$1,200 a year. And I will state further in that connection that, roundly speaking, there are a hundred million people in this country, and 25,000,000 of them, comparatively speaking, receive their mail at the hands of the rural carriers. No political party, I care not what the name of it is, will ever uproot this service. If they do, the life of that party will be short.

Now, as to the question of economy. Let us see about that. It has been argued here by the gentleman from Tennessee [Mr. Moon], the chairman of the committee, that it is at the expense of \$39,000,000, and that you may save that by abolishing the service. Yes. You could save \$100,000,000 by abolishing the



Navy Department; you could save \$100,000,000 and more by abolishing the War Department, and so on; but who wishes to do this? According to the reports of the department, the Postal Service is self-sustaining, and I want to see the man stand up here or stand up anywhere and tell his people that he wishes to make millions and millions of dollars out of the Postal Service for the general benefit of the Treasury of the United States, and that he wishes to use the Postal Service for that purpose. He will receive stay-at-home orders.

I am in favor of such economies as will in the end result in penny postage. That will come some day. It can not come now. Anyone who is conversant, anyone who knows the condition of the highways of this country at present will not vote for this amendment. In my country it has been raining for about six weeks, and the roads that are good ordinarily are almost impassable now, and I have had to go to the department and ask that the time limit be not called on carriers for that reason. Perhaps the work of those men in the summer time is easy and light, but in the winter it is onerous and heavy and burdensome. They do not get too much money.

Now, speaking of the contract system, that is in the air, but it will not be, my friend. It is not in the power of any party in this country to overturn the Rural Free Delivery Service and place it on a contract basis.

Mr. CANDLER of Mississippi. It was defeated on the floor of the House in the Fifty-seventh Congress, and voted down by an overwhelming vote.

Mr. FINLEY. Yes.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOON. Mr. Chairman, I want a minute for explanation, by unanimous consent.

The CHAIRMAN. How much time does the gentleman desire?

Mr. MOON. One minute.

The CHAIRMAN. The gentleman has a minute.

Mr. MOON. The gentleman from Arkansas [Mr. Wingo] and some other gentleman stated, I am informed, that I had said if the word "each" were stricken out we could then go to the contract system. I did not say any such thing. Of course we know that the words of the act do not mean that. If the word "each" is stricken out, it will not restrict the discretion of the Postmaster General as it will be restricted if left in.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ADAMSON. Mr. Chairman, I want to ask unanimous consent for a minute in which to ask a question of the chairman of the committee.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ADAMSON. If any carrier has 7,000 pounds or any other large quantity of freight to deliver, would it not be better, rather than reduce the salaries of all the other carriers, to hire a dray to carry his mail around in that instance?

Mr. MOON. Yes; but that does not apply at all.

Mr. ADAMSON. It applies to all heavy cases.

Mr. GREEN of Iowa. Mr. Chairman, what is the status of the bill as to amendments? Are further amendments permissible?

The CHAIRMAN. Yes. The gentleman can send his amendment to the desk.

Mr. MANN. There are two amendments now pending.

The CHAIRMAN. Yes. It will be lodged at the desk and may be called up in its order. The Clerk will now report the amendments in their order. First, the Clerk will report the amendment offered by the gentleman from Indiana [Mr. Cox].

The Clerk read as follows:

Amendment by Mr. Cox:

Page 52, line 9, strike out the word "each," and after the word "carrier" add the letter "s."

The CHAIRMAN. The first part will be considered separately. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. COX. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] asks for a division.

The committee divided; and there were—ayes 15, yeas 62.

So the amendment was rejected.

The CHAIRMAN. Does the gentleman from Indiana now wish the second part of the amendment put?

Mr. COX. No; I withdraw it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

The Clerk read as follows:

Page 52, line 10, strike out the word "standard."

Mr. CANDLER of Mississippi. Mr. Chairman, I move to amend that amendment by striking out the word "standard" and inserting the word "rural."

The CHAIRMAN. The Clerk will report the substitute for the amendment.

The Clerk read as follows:

Amend the amendment by striking out the word "standard" and inserting in lieu thereof the word "rural."

The CHAIRMAN. The question is on agreeing to the substitute in the nature of an amendment offered by the gentleman from Mississippi [Mr. CANDLER].

The substitute was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Have we agreed to the substitute?

The CHAIRMAN. Yes. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. GREEN].

The Clerk read as follows:

Page 53, line 5, after the word "annum," add the following: "And provided further, That no rural letter carrier shall be required to deliver mail on Christmas Day."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 26. That the act approved May 23, 1910 (ch. 255, 36 R. S., 416, now carried in Postal Laws and Regulations as sec. 931), be amended so as to read as follows: "Whenever the sender shall so request, a receipt shall be taken on the delivery of any registered mail matter showing to whom and when and place where the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery."

Mr. COX. Mr. Chairman, I make a point of order against that section. It is new legislation, not provided for by the rule that was reported by the Committee on Rules the other day.

Mr. MOON. Mr. Chairman, this section is the law now, except the words "when and place where," on line 4, page 54. It was not included in the rule making new legislation in order at the request of the department. The department seems not to desire the section now, although they did, probably, in the first instance desire it, and I am glad to see the point of order made against it.

The CHAIRMAN. The point of order is sustained.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to address the committee for 20 minutes.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to address the committee for 20 minutes. Is there objection?

Mr. MOON. Who is it that wants to talk 20 minutes?

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] wants to address the committee for 20 minutes.

Mr. MOON. I thought I had an arrangement with the gentleman to wait until some other matters were discussed.

Mr. STEENERSON. I prefer to proceed now. This is the end of the bill, as I understand it.

Mr. MOON. Mr. Chairman, I want to conclude this matter, anyway, before the gentleman speaks. I want to move to add to the close of this bill—

Mr. STEENERSON. I will suspend for the present. I want to be heard at the conclusion of the bill.

The CHAIRMAN. The gentleman from Minnesota will be recognized at the conclusion of the consideration of the bill.

Mr. MOON. Mr. Chairman, after the words "Navy mail clerks," on line 17, page 53, I offer an amendment as follows: "All acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 53, after line 17, as a separate paragraph, insert the following: "SEC. 25. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEENERSON. Now, Mr. Chairman, I submit my request.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to address the committee for 20 minutes. Is there objection?

Mr. MOON. I am not going to object, Mr. Chairman, but I thought there was a very positive understanding with the gentleman from Minnesota to the effect that the 20 minutes he was going to take were to come after the 2 minutes I was going to take for myself and the 10 minutes that were to be taken by the gentleman from Connecticut [Mr. REILLY].

Mr. STEENERSON. I am willing to wait until the gentleman does that.

Mr. MOON. There is no objection to the gentleman speaking. It is just a question of the order of speaking.

Mr. STEENERSON. I am perfectly agreeable to that.

The CHAIRMAN. The Chair will put the request, with the understanding that the time to be occupied by the gentleman from Minnesota will be occupied after the other gentlemen conclude.

Mr. LINTHICUM. Reserving the right to object, can we not finish up this bill?

Mr. MOON. This is a matter that the gentleman will not object to when he understands it. It is a matter that ought to come in the committee, and not in the House, and when the gentleman concludes what he has to say I will move that the committee rise.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] is recognized.

Mr. MOON. Mr. Chairman, I believe that the public service of Senators and Representatives is hardly ever fully appreciated by the people they represent, unless it is possibly the services of that class of Representatives who maintain a press bureau for the advertisement of their official acts. I doubt very much, sir, whether we appreciate the value of the services of our own colleagues until after they go out from among us.

As we are closing this bill, the last one in the making of which certain gentlemen on the Post Office Committee will participate, I feel it is due that I should acknowledge to this House the splendid, unselfish, and patriotic service, the courteous conduct and demeanor at all times, and the aid rendered by the Hon. SAMUEL W. SMITH, of Michigan; the Hon. THOMAS L. REILLY, of Connecticut; the Hon. WILLIAM E. TUTTLE, jr., of New Jersey; the Hon. H. ROBERT FOWLER, of Illinois; and the Hon. FRANK E. WILSON, of New York. [Applause.] During the years they have served upon this committee the chairman has been very much benefited by their advice and counsel, as have the other members of the committee; and as they go out of public life for the present I feel it is due to them that we thus publicly acknowledge their splendid service to the country. I trust that they may come back if they desire or that they may go into other public service if they desire it; because if the people lose the service of these men in some capacity, they lose some of the most faithful public servants who have ever acted in behalf of a great people. [Applause.] We will not forget them, Mr. Chairman, on account of the pleasant social relations we have had with them, nor can we forget them because of the great good that they have done in office. [Applause.]

I now ask unanimous consent that our friend, Mr. REILLY of Connecticut, may address the House for 10 minutes. [Applause.]

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Connecticut [Mr. REILLY] may address the House for 10 minutes. Is there objection?

There was no objection.

Mr. REILLY of Connecticut. Mr. Chairman, while not long on "fare thee wells," while realizing that there is plenty in this busy House to do without taking up its time with swan songs, while knowing that Members who are to remain and are to come are of more importance than those who are to go, yet I can not permit this occasion, the passing of this great supply bill, to go by without a word or two of a somewhat personal nature and yet in a way related to this legislation.

This is the last Post Office appropriation bill in the adoption of which I will take any part, for two years at least [laughter], because of a recent decision of what I think was a temporarily misled constituency [laughter], yet a constituency which I respect; yes, love—a constituency of which any Member of this splendid body, even those of far greater fame than I, might well be proud.

It is a real honor to be a Member of this House. It is high honor to be a Member for even a day; it is a higher honor to be

a Member for a term, and higher still to be sent here year after year as many men on both sides of the aisle are sent. It is high honor, indeed, to be associated with the membership of this House for any length of time—a membership as high class, as honorable, as patriotic as any similar body in the world. Did I say similar body? Then change that, for there is no similar body. The American House of Representatives is in a class by itself. It is composed of men selected from the flower of the citizenry of the greatest nation God in His wisdom ever made. Able, honorable, and true, devoted to their country, their duty, and their friends, fortunate is the man who can address them as "My colleagues."

Among the great committees of this great legislative body stands the Committee on Post Offices and Post Roads, of which for nearly four years I have been a member. This committee has to do with the greatest service in the world—the Postal Service. It is closer to the Nation, the State, the city, the family, than any other. Without this service business would be paralyzed; without it modern society could not exist. Yes, indeed, it is worth while to be associated in any way with this wonderful organization, so truly and effectively described on the front of the beautiful new Post Office Building yonder by the station.

Enlarger of the common life.  
Carrier of news and knowledge.  
Instrument of trade and industry.  
Messenger of sympathy and love.  
Servant of parted friends.  
Consoler of the lonely.  
Bond of the scattered family.

[Applause.]

This service carries the largest appropriation—nearly \$322,000,000—made by this Government, and it is a source of great satisfaction to know that it has been placed on a self-sustaining basis. Yet if it were not, it would be worth all it costs. That it has been placed on the high plane of efficiency it occupies is due in great part to the personnel, from the Postmaster General to the special-delivery messenger boy.

It is therefore a source of keenest satisfaction to know that we have had some share in making that great army of faithful postal employees more contented and happy and thereby more devoted to duty, for the contented man, the one who feels that he is getting a square deal, is the efficient and devoted man. The most prosperous business concern or corporation is the one with satisfied help; the most successful government is the one with a contented constituency. Fair treatment and good wages make for loyalty, and a loyal corps of employees in every branch of the public service is the best asset this country can have.

It has been a pleasure and honor to have had something to do with the establishment of the parcel post and the postal savings bank. It is still greater pleasure and honor to realize that we also have had something to do with the improvement of the working conditions of the vital force, the bone and sinew of the Postal Service—the rank and file of the employees. If we had done no other thing than to have helped lighten the burdens of the men and women who toil for their daily bread in the service of the Government and to improve their condition in life, the time has been well spent. I hope you will bear with me for a few minutes more to draw your attention to some of the commendable things that the Sixty-second Congress and Sixty-third Congress have done for these employees, and to urge my friends on both sides of the House who will be Members of the next Congress to guard them with care.

The eight-hour law for post-office clerks and letter carriers, the 8 hours to be confined to a period of not more than 10 consecutive hours, is, to my mind, one of the most beneficial pieces of legislation enacted by the Congress in recent years. Prior to the enactment of the eight-hour law, post-office clerks could be required to work any number of hours in any day and were not paid for any overtime, as there was no limit placed on their day's work. The letter carriers were working under what was known as a 48-hour law, but it gave no protection whatever to the men. Their schedules ranged over periods varying from 10 to 18 hours each day, and even when they were required to work more than 48 hours in a week they were not paid for overtime. No consideration whatever was shown to the carriers, and the result was that the complaints became so numerous that the eight-hour-in-ten law was passed by Congress to remedy the unsatisfactory conditions surrounding the postal employees.

The law which grants compensatory time to employees for services performed on Sundays, to be given on one of the six days following the Sunday on which work is performed, was another piece of legislation that was of great benefit to the Postal Service as well as to the postal employees. It has been



changed in this bill so that for the Sunday work in December, or during the rush of the holiday season, the compensatory time may be given during the succeeding January.

The pay of substitute employees in the Postal Service was raised to 35 cents an hour for vacation and auxiliary work and 40 cents an hour when substitutes were working in the places of regular employees off duty without pay. This legislation was also of material benefit to the service, as it gave the substitutes an opportunity to make sufficient income to keep them in the service until they secured positions as regular employees. Prior to the enactment of the legislation which increased the hourly pay of substitutes these employees did not make sufficient money to pay their living expenses, and a large percentage of them resigned from the service each year in order to accept employment where the income and future prospects were brighter than in the Postal Service.

The antigag law which was passed by the Sixty-second Congress gave the postal employees the rights of which they had been deprived by Executive orders. Prior to the enactment of the antigag law an employee had no redress for any grievance other than reporting it to the official who was actually responsible for the cause of complaint. If an employee wrote to his Member of Congress and it became known to the postal officials it would be cause for his removal from the service. The antigag law not only restores postal employees to all the rights and privileges of which they had been deprived by Executive orders, but it also protects them in their positions by requiring that they be furnished with a copy of all charges that might be preferred against them, and they are given an opportunity to submit their defense in writing.

The law which reclassifies and regulates the salaries of the railway mail clerks is also a piece of constructive legislation that will stand to the credit of the Sixty-third Congress. Many necessary reforms have been brought about in the Railway Mail Service which at the beginning of the Sixty-second Congress was in a chaotic state on account of the discontent among the employees, which was brought about through the so-called reforms of a former administration of the Post Office Department.

The rural letter carriers have had their salaries increased in the Sixty-second and Sixty-third Congresses by the enactment of legislation which was of great benefit to the Rural Delivery Service and the rural letter carriers. The pay of many rural carriers has never been commensurate with the work they perform and the outlay in furnishing proper vehicles for the delivery and collection of the mail in rural communities. I trust it will not be long before a law will be passed that will grant the rural letter carriers an annual allowance for horse hire.

The enactment of the law passed by the Sixty-third Congress which grants compensation to postal employees who are injured in the performance of their duties or to the relatives of employees who lose their lives is in keeping with the spirit of the times.

In looking back over the work of the past four years it is a source of great satisfaction to me to know that one has played some small part in trying to bring about the reforms above mentioned. My only regret is that through force of circumstances I will have to lay aside this work which has been so pleasing because of the improvements that were being brought about in the Postal Service and of the benefit that they have been to the working force of that service. For the distinguished and able chairman and members of the Committee on the Post Office and Post Roads I have grown to have not only great respect and admiration for the patriotic spirit shown by them when considering all the questions submitted to the Post Office Committee, but I also have a feeling of warm affection for each of them, on account of the noble and manly qualities of which I have learned while being associated with them.

My colleagues, Democratic, Republican, and Progressive, I bid you Godspeed, and give to you out of a full heart my best wishes in all your hopes and ambitions. While I can not be with you to take part in the activities of legislative life, my thoughts for your well-being will always be with you. The friendships formed here will never, I trust, be broken. May I be permitted to say, now and in the years to come, with the writer of these sweet lines:

Friends, though scarce, we sometimes find,  
Whose hearts are always true and warm,  
Who, like the ivy 'round the tree,  
Cling closest in the raging storm.  
Should sorrow e'er thy beauty sear,  
Such friendship still I'll feel for thee;  
And when thou think'st of friend sincere  
I trust you will remember me.

[Applause.]

During the delivery of the foregoing, the time of Mr. REILLY of Connecticut having expired, at the request of Mr. Moon and Mr. MADDEN leave was given him to conclude his remarks,

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] is recognized for 20 minutes.

Mr. STEENERSON. Mr. Chairman, I have already pointed out that the war in Europe has been put forth by the present administration as the justification for the withholding of needed mail facilities in rural districts and for the proposal to reduce expenses by substituting a contract service for the present Rural-Delivery Service, and also for the advancement of the new policy of making the Postal Service contribute to the general support of the Government. The claim is that the war has shut off imports, and thereby reduced customs revenues. President Wilson, in his address to Congress on September 4, asking for the war-revenue law, used this language:

During the month of August there was, as compared with the corresponding month of last year, a falling off of \$10,629,538 in the revenues collected from customs. A continuation of this decrease in the same proportion throughout the current fiscal year would probably mean a loss of customs revenues of from sixty to one hundred millions. I need not tell you to what this falling off is due. It is due in chief part not to the reductions recently made in the customs duties, but to the great decrease in importations, and that is due to the extraordinary extent of the industrial area affected by the present war in Europe.

This statement—that there is a decrease in importations—has been repeated during the debate on this bill on this floor and is found in the official communications of the Post Office Department to Congress.

I want to call attention to the fact that the President compares the falling off in revenue under the Underwood law with the receipts under the Payne law. Of course he overlooks the slight difference in the rates of duty. He should have remembered that his party, and especially he as the candidate, promised the people a downward revision, and that they gave us a downward revision, and that therefore, unless the importations were very largely increased, necessarily the receipts from customs would be diminished. In his campaign letter to Mr. UNDERWOOD a month later he went still further and said that it was the war, and nothing but war, that caused the falling off in revenues from customs receipts. Now, what are the facts? The official figures are now before us. They were not fully before us at the time of the discussion of the war-revenue bill.

I hold in my hand a document issued by the Department of Commerce, the Monthly Summary of Commerce and Finance of the United States.

The October number has recently been issued; we have not yet got the November or the December number. On the first page containing the tables we find the following total imports of merchandise for October, 1913, \$132,149,302. For October, 1912, \$138,880,850, an increase for one month of about \$6,000,000. I find in the column 10 months ending October, 1914, the total imports of merchandise were \$1,548,531,394. For the same 10 months of 1913, \$1,460,364,000, or \$88,196,921 more during the first 10 months of calendar year 1914 than for the corresponding period the year before.

These 10 months I call to your attention were the first 10 months that the Underwood law was in effect. It was not in full effect until the 1st of March. It took effect as to wool in January. So you see that instead of there being a falling off in imports there has been an increase in imports of over eighty millions in 10 months. I have the figures which I got by telephone from the Department of Commerce as to the receipts and imports for November, the month just past. I find that the total imports of merchandise for the last month, November, 1914, \$126,467,907, and the duties from customs \$16,924,408.

Now, if we had a similar amount of importations for December, and they will be much larger from the preliminary figures I have received, there will be \$252,935,814, or in round numbers additional two hundred and fifty-three millions for the two months completing the calendar year of 1914, and will make the total imports of merchandise for the 12 months \$1,801,531,394, as against \$1,793,138,480 for calendar year 1913, or \$8,392,914 more for 1914 than 1913.

Where, then, is the contention that the war in Europe has diminished the imports? The contention is simply a fallacy and not true. You may excuse a man in the excitement of a campaign for exaggeration; you can excuse a candidate for telling a whopper just before election; but now that the campaign is over and the official records are available it seems to me that you ought to cease repeating the statement and come back to facts.

Now, as a ground for explaining the embarrassed condition of the Treasury and the deficit, the conclusion has been drawn that the revenues from customs were disappointing to the Democrats. There never was a greater fallacy. How much revenue did you expect from the Underwood law? You have got within a small fraction of what was predicted for it. I read from the CONGRESSIONAL RECORD of September 30, 1913, page 5233, from

Mr. UNDERWOOD's final speech on the conference report. He said:

The income tax, leaving out those features that relate to the tax on corporations, will produce above \$83,000,000. The corporation part of the income tax included in the bill, it is estimated, will produce \$39,000,000. The customs taxes for the year 1915 are estimated to produce \$249,000,000.

Taking the other sources of revenue that the Government now has and adding to them the income tax and the customs laws that are affected by this bill, it will produce for the fiscal year 1915, according to our estimates, \$1,026,000,000; and if the expenditures of the Government do not exceed \$1,008,000,000, which is the estimate that will cover the expenditures of the Government for that year, the bill will produce a surplus revenue of \$18,000,000, which the committee considers as a safe balance on the right side of the ledger.

Mr. UNDERWOOD says that in the fiscal year it will produce \$249,000,000. Well, the Payne bill produced \$318,000,000, so there was expected to be a decline. When you passed the Underwood law you expected there would be \$249,000,000 revenue instead of \$311,257,348, which was the amount collected in the fiscal year ended June 30, 1912, so that you can not lay that to the war. You are not disappointed as to the income produced by the Underwood law, because you expected it. [Applause on the Republican side.]

So, putting the total customs duties collected for the first 10 months of 1914, as given in the October summary, of \$209,000,000, and adding \$16,924,408, customs receipts for last month, and a similar amount for this month, you will have \$243,418,045, only \$5,581,955 less than Mr. UNDERWOOD's estimate, or practically the same as his estimate.

If you calculate that December will produce only as much as November, then the difference would certainly not be in excess of \$6,000,000 less than the estimate of Mr. UNDERWOOD at the time he spoke on the conference report.

Now, then, what justification have you, what justification did the President have, for blaming the war in Europe for the lower customs revenue when you are getting the revenue that you expected? [Applause on the Republican side.]

Where is the Democratic blunder that has brought embarrassment upon us which necessitates the recommendation of destroying the rural service and bleeding the Postal Service to support the Government? The blunder consisted not in misfiguring the income from tariff but from other sources. These are official figures, and you all can find them in Monthly Summary for the months referred to. I will insert the page from the October, 1914, Summary, where it gives the imports for the first 10 months of the calendar year 1914 and also the ad valorem rate on dutiable and on all imports for the respective periods. The rate for 1912, under the Payne law, was 39.54 per cent on dutiable and 18.30 per cent on total imports, and about the same for 1913, while in the 10 months of 1914 the rate under the new law was only 35.02 per cent on dutiable and 13.53 per cent on total imports. For October, 1914, the rate on total imports was only 11.78 per cent.

The blunder was in the income tax. You fell short \$51,000,000, the difference between \$122,000,000, which you estimated you would get from the corporation and income tax, and the \$71,386,156 which you actually got from that source. You fell short more than \$51,000,000, and that is the chief element which causes embarrassment in the Treasury. The chairman of the Committee on Ways and Means estimated that your appropriations would be \$1,008,000,000. That was for the fiscal year 1915—the current year. What were they? I have the Book of Estimates, issued by the Treasury Department, and there is no guesswork about this. The total appropriations for the fiscal year 1915 were \$1,094,168,102.38. He estimated that you were

going to appropriate \$1,008,000,000, and you appropriated \$86,000,000 more than you said you would. There was another blunder. The appropriation of \$1,094,168,102.38 for the fiscal year 1915, instead of \$1,008,000,000, as you said you proposed to appropriate, and the falling short of the income tax and the corporation tax in the sum of \$51,000,000 is the cause of your trouble. What would have been the result if you had had the Payne rates? It has been demonstrated to a mathematical certainty. The rate under the Underwood law, applied to the free and dutiable goods together, was 13.53 per cent, a little over 13½ per cent, for the first 10 months of the calendar year 1914, but only 11.78 per cent for October. This is also given in this same publication issued by the Department of Commerce for the very period in question. Under the Payne law the rate was 18.34 per cent for 1913. How could you expect to get as much money when you collected only 13½ per cent ad valorem on the total amount of importations, instead of 18½ per cent? It seems to me it is entirely unjustifiable to expect anything of that kind. If you apply—and this is relevant because of the address of the President on September 4—the Payne duties, you would have had, according to my calculation—and you can calculate it yourself—about eighty-six or eighty-seven million dollars more of customs revenue on the same importations that actually came in than you obtained. It could not be a surprise to a sane man that you got less on substantially the same amount of imports under a lower than a higher rate. The gentleman from Alabama [Mr. UNDERWOOD] estimated the falling off of revenue very closely. He can not be surprised or disappointed, for he predicted the result very closely.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEENERSON. So that the cause of all of this trouble in the Treasury, this falling off of the available balance from \$144,000,000 to a little over \$66,000,000, as it is to-day—the excess of expenditures over receipts which we are now experiencing—is directly due to the decrease of customs receipts under Democratic tariff legislation, and not to accident, not to war. It is due to miscalculation as to the amount of income to be derived from the income and the corporation tax; and to the large—I will not say extravagant—appropriations—\$86,000,000 more than you officially estimated you would appropriate. Therefore, it seems to me, it is about time that the leaders of the Democratic Party should acknowledge the truth. You may as well do it now as later, because sooner or later you will have to acknowledge that these are the facts, that these are the causes for the falling off of income—miscalculation, blunder; not any misfortune because of the war. [Applause on the Republican side.] It is important for the people to know, because the war came along and we can not end it. If our difficulties in the Treasury were due to the war, we would have to submit, and perhaps it would be justifiable to resort to bleeding the postal receipts to support the Government; but, seeing that the cause is not the war in Europe, but is Democratic blundering in legislation, then that is a cause that can be removed. [Applause on Republican side.] And, gentlemen, it will be removed by the people, and you may as well acknowledge that you were mistaken and be honest and candid and fair on this proposition. [Applause on the Republican side.]

*Monthly summary of foreign commerce of the United States, October, 1914.*

FOREIGN COMMERCE OF THE UNITED STATES—SUMMARY OF IMPORTS AND EXPORTS.

[Figures in all statements for October, 1914, and for 10 months ending October, 1914, subject to revision. Figures of imports for October, 1913, include only entries under the tariff law of 1913, beginning with the fourth day of the month. The entries of the first three days of the month under the law of 1909, amounting to, approximately, \$13,665,000, are included with September totals.]

Groups.	October—				Ten months ending October—					
	1913		1914		1912		1913		1914	
IMPORTS.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.
Free of duty:										
Crude materials for use in manufacturing.....	34,125,086	41.84	38,012,461	43.72	412,197,299	50.73	404,684,750	51.69	462,785,295	48.71
Foodstuffs in crude condition, and food animals....	18,547,338	22.75	18,700,188	21.51	157,946,743	19.44	136,919,651	17.49	167,181,245	17.59
Foodstuffs partly or wholly manufactured.....	2,871,232	3.52	5,399,883	6.21	10,432,004	1.28	9,515,804	1.22	49,918,371	5.25
Manufactures for further use in manufacturing.....	15,320,770	18.79	13,803,207	15.88	137,821,073	16.95	153,594,341	19.62	159,801,979	16.82
Manufactures ready for consumption.....	10,037,469	12.30	10,580,865	12.17	84,029,120	10.34	70,821,349	9.05	101,439,869	10.68
Miscellaneous.....	651,994	.80	447,916	.51	10,178,291	1.25	7,269,497	.93	8,994,580	.95
Total free of duty.....	81,553,889	100.00	86,944,520	100.00	812,604,530	100.00	782,805,392	100.00	950,121,340	100.00



Monthly summary of foreign commerce of the United States, October, 1914—Continued.  
FOREIGN COMMERCE OF THE UNITED STATES—SUMMARY OF IMPORTS AND EXPORTS—continued.

Groups.	October—				Ten months ending October—							
	1913		1914		1912		1913		1914			
IMPORTS—continued.												
Dutiable:	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.	Dollars.	Per ct.		
Crude materials for use in manufacturing.....	5,687,772	11.07	5,943,783	11.63	111,560,797	15.98	91,028,299	13.44	62,914,297	10.51		
Foodstuffs in crude condition, and food animals.....	4,328,202	8.42	2,725,847	5.33	37,639,959	5.39	28,576,800	4.22	29,753,359	4.97		
Foodstuffs partly or wholly manufactured.....	10,124,960	19.70	12,875,065	25.17	171,973,679	24.63	150,491,769	23.10	176,720,669	29.53		
Manufactures for further use in manufacturing.....	7,074,654	13.76	7,146,388	13.98	124,638,840	17.85	134,603,391	19.86	78,753,213	13.16		
Manufactures ready for consumption.....	23,640,395	46.00	21,673,417	42.38	249,040,959	35.66	262,849,172	38.79	245,432,461	41.02		
Miscellaneous.....	539,430	1.05	771,500	1.51	3,423,949	.49	3,979,541	.69	4,836,155	.81		
Total dutiable.....	51,395,412	100.00	51,136,000	100.00	698,278,183	100.00	677,528,981	100.00	598,410,054	100.00		
Free and dutiable:												
Crude materials for use in manufacturing.....	39,812,858	29.94	43,956,244	31.84	523,758,096	34.66	495,713,049	33.95	525,699,593	33.95		
Foodstuffs in crude condition, and food animals.....	22,875,540	17.21	21,426,035	15.52	195,586,702	12.94	165,496,460	11.33	196,934,604	12.72		
Foodstuffs partly or wholly manufactured.....	12,996,192	9.78	18,274,948	13.23	182,405,683	12.08	166,007,573	11.37	226,638,940	14.63		
Manufactures for further use in manufacturing.....	22,395,424	16.85	20,949,595	15.17	262,459,913	17.37	288,197,732	19.73	238,555,192	15.41		
Manufactures ready for consumption.....	33,677,864	25.32	32,254,282	23.36	333,070,079	22.05	333,670,521	22.85	346,872,330	22.40		
Miscellaneous.....	1,191,424	.90	1,219,416	.88	13,602,240	.90	11,249,038	.77	13,830,735	.89		
Total imports of merchandise.....	132,949,302	100.00	138,080,520	100.00	1,510,882,713	100.00	1,460,334,373	100.00	1,548,531,394	100.00		
Per cent of free.....		61.34		62.97		53.78		53.60		61.36		
Duties collected from customs.....	30,138,049		16,271,829		276,425,106		267,868,193		209,569,229			
Average ad valorem rate.....	on dutiable.....	58.64		31.82		39.59		39.54		35.02		
	on total imports.....	22.67		11.78		18.30		18.34		13.53		
Remaining in warehouse at the end of the month.....	85,843,119		84,289,172									
EXPORTS.												
Domestic:												
Crude materials for use in manufacturing.....	125,239,556	46.56	32,989,050	17.27	561,163,229	30.49	552,654,073	27.99	230,411,330	14.13		
Foodstuffs in crude condition, and food animals.....	11,764,519	4.37	36,224,327	18.91	98,548,106	5.35	150,590,870	7.62	395,003,669	24.21		
Foodstuffs partly or wholly manufactured.....	29,775,473	11.07	37,411,532	19.58	246,704,031	13.41	266,569,703	13.50	187,677,403	11.51		
Manufactures for further use in manufacturing.....	32,678,284	12.15	28,571,130	14.95	320,715,546	17.43	338,975,547	17.17	290,860,629	17.83		
Manufactures ready for consumption.....	68,824,465	25.58	53,589,172	28.05	607,023,512	32.98	658,791,771	33.37	519,544,574	31.85		
Miscellaneous.....	721,137	.27	2,244,165	1.24	6,119,548	.34	6,844,101	.35	7,607,710	.47		
Total domestic.....	269,003,434	100.00	191,029,376	100.00	1,840,273,972	100.00	1,974,425,065	100.00	1,631,105,315	100.00		
Foreign:												
Free of duty.....	1,633,613	57.15	3,208,406	73.33	18,582,270	61.16	18,921,617	61.31	19,817,547	62.55		
Dutiable.....	1,224,417	42.85	1,166,848	26.67	11,801,753	38.84	11,935,940	38.69	11,883,757	37.45		
Total foreign.....	2,858,030	100.00	4,375,254	100.00	30,384,023	100.00	30,857,557	100.00	31,701,304	100.00		
Total exports.....	271,861,464		195,404,630		1,870,657,995		2,005,283,622		1,662,806,619			
Excess of exports.....	138,912,162		57,324,110		359,775,282		544,949,249		114,275,225			
Total imports and exports.....	404,810,766		333,485,150		3,381,540,708		3,465,617,995		3,211,338,013			

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, a service in this House for 20 years is a long service, and I think I would be neglectful if I did not express on behalf of this side of the House, and I think the whole House, our regret at losing one of the most genial and earnest and honest Members of the House, the ranking Republican on the Committee on the Post Office and Post Roads, the gentleman from Michigan [Mr. SAMUEL W. SMITH]. [Applause.] Modest to a degree, earnest and faithful, he has endeared himself to the hearts of all who knew him here, and wherever he may be in life he carries with him the respect and the best wishes of the Members of the National House of Representatives. [Applause.]

Mr. Chairman, the pending Post Office appropriation bill contains a large amount of legislation, in the main, if not entirely, good reform legislation. The Postmaster General was for many years a Member of this House and received his training in governmental affairs here, and while there is and necessarily will be at different times and from different quarters criticism of the Post Office Department, I am unwilling to let the occasion go by without saying that I think this former Member of this House, Postmaster General Burleson, is handling himself in that office at the head of that great department in a wonderfully satisfactory manner. [Applause.]

Mr. MOON. Mr. Chairman, I ask unanimous consent that the Clerk be instructed to renumber the sections of the bill so that they may follow in proper numerical order.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. MOON. Mr. Chairman, I move that the committee do now arise and report the bill to the House with the various amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19906, the Post Office appropriation bill, and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. MOON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and all amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time.

Mr. STEENERSON. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER. The Clerk will report the motion to recommit with instructions.

The Clerk read as follows:

Mr. STEENERSON moves to recommit the bill H. R. 19906 to the Committee on the Post Office and Post Roads with instructions to report the same back with the following amendment:

After line 8, on page 5, insert the following:

"For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding \$4,000 each; 42 at not exceeding \$3,000 each; 10 at not exceeding \$2,500 each; 5 at not exceeding \$2,000 each; 16 at not exceeding \$1,900 each; 45 at not exceeding \$1,800 each; 95 at not exceeding \$1,700 each; 150 at not exceeding \$1,600 each; 180 at not exceeding \$1,500 each; 150 at not exceeding \$1,400 each; 350 at not exceeding \$1,300 each; 550 at not exceeding \$1,200 each; 525 at not exceeding \$1,100 each; 300 at not exceeding \$1,000 each; 130 at not exceeding \$900 each; 100 at not exceeding \$800 each; in all, \$3,200,000.

Mr. MOON. Mr. Speaker, I move the previous question on the motion to recommit.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. STEENERSON. Division, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota demands a division.

Mr. STEENERSON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-two gentlemen have risen on the demand for the yeas and nays, not a sufficient number.

Mr. MANN and Mr. STEENERSON. The other side, Mr. Speaker.

The SPEAKER. The other side is demanded. Those opposed will rise and stand until counted. Seventy-three gentlemen have risen in the negative—

Mr. MANN. That would give the yeas and nays, and as a matter of convenience, Mr. Speaker, I make the point of order there is no quorum present.

#### ADJOURNMENT OVER NEW YEAR'S DAY.

Mr. UNDERWOOD. Before the gentleman makes the point of no quorum I would like to submit a unanimous-consent request.

Mr. MANN. I withhold the point of no quorum.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday next, so that Members may have their customary New Year's holiday.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday. Is there objection?

Mr. FINLEY. Mr. Speaker, reserving the right to object, does the gentleman from Alabama have any doubt that the House will work to-morrow if this request is not granted? Some of us think it will. This is about the shortest session we could possibly have.

Mr. UNDERWOOD. I think the House would work to-morrow, but I do not know whether we will have a quorum, and probably will work, but I will say to the gentleman from South Carolina it has been customary always to adjourn over New Year's Day. I think the appropriation bills are in better condition and further advanced now than at any other time. I make this request as a matter of usual custom, and I do not think there is any danger of the House not getting through with the appropriation bills at the present time.

Mr. MANN. It will not advance business by having a meeting to-morrow or on Saturday, even, but will simply discommode a large number of Members, and progress will not be made by it. That side will lose a lot of cooperation on this side—

Mr. SIMS. I would like to ask the gentleman from Alabama if it is not usual for the House not to reconvene until after the first Monday of the new year.

Mr. UNDERWOOD. Yes; we have taken less holiday this year than ever before. As far as I am personally concerned, I have no desire in the matter—

Mr. FINLEY. My sole purpose in asking the question was that I had in mind possibly the appropriation bills coming up and general debate could be had, and that would be gotten through with. I shall not object, however.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The Chair did not get through announcing the result of the demand for the yeas and nays. There are 32 in favor and 73 against, and 32 is a sufficient number.

Mr. MANN. Mr. Speaker, I made the point of order of no quorum as a convenience to Members.

The SPEAKER. The gentleman from Illinois [Mr. MANN] made the point of order that there is no quorum present, and evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 68, nays 150, answered "present" 2, not voting 208, as follows:

#### YEAS—68.

Bell, Cal.	Bryan	Cooper	Curry
Browne, Wis.	Burke, S. Dak.	Cramton	Danforth
Browning	Campbell	Crosser	Dillon

Falconer	Keating	Manahan
Gillett	Kelley, Mich.	Morgan, Okla.
Green, Iowa	Kelly, Pa.	Nelson
Greene, Vt.	Kennedy, R. I.	Nolan, J. I.
Hamilton, Mich.	Kettner	Norton
Hawley	Kiess, Pa.	Parker, N. J.
Hayes	Kindel	Patten, Pa.
Helgesen	Kinkaid, Nebr.	Plumley
Hinds	Konop	Rogers
Howell	Lafferty	Rupley
Humphrey, Wash.	La Follette	Scott
Johnson, Utah	Lenroot	Seldomridge
Johnson, Wash.	McLaughlin	Sinnott
Kahn	MacDonald	Sloan

#### NAYS—150.

Abercrombie	Finley	Leshner	Smith, N. Y.
Adair	FitzHenry	Lever	Smith, Tex.
Adamson	Flood, Va.	Lewis, Md.	Sparkman
Alexander	Foster	Lithicum	Stanley
Ashbrook	Fowler	Lloyd	Stedman
Aswell	Francis	Lonergan	Stephens, Nebr.
Baker	Garner	McKellar	Stephens, Tex.
Bathrick	Garrett, Tex.	Madden	Stone
Beakes	Gerry	Maguire, Nebr.	Stout
Bell, Ga.	Gill	Mitchell	Stringer
Blackmon	Gilmore	Montague	Summers
Boehrer	Gittins	Moon	Taggart
Borland	Goodwin, Ark.	Morrison	Talcott, N. Y.
Broussard	Gray	Moss, Ind.	Tavener
Brown, N. Y.	Gudger	Murray	Taylor, Ala.
Buchanan, Ill.	Hamlin	Oldfield	Taylor, Ark.
Buchanan, Tex.	Hardy	Padgett	Taylor, Colo.
Bulkley	Harris	Page, N. C.	Thacher
Burgess	Harrison	Park	Thomas
Byrnes, S. C.	Hay	Post	Thompson, Okla.
Byrns, Tenn.	Hayden	Pou	Thomson, Ill.
Candler, Miss.	Helm	Quin	Tribble
Caraway	Henry	Ragsdale	Underwood
Carter	Hill	Rainey	Vaughan
Church	Holland	Raker	Vinson
Collier	Howard	Rauch	Vollmer
Connelly, Kans.	Hoxworth	Rayburn	Watkins
Cox	Hull	Reilly, Conn.	Watson
Cullop	Humphreys, Miss.	Reilly, Wis.	Weaver
Dent	Igoe	Rouse	Webb
Dickinson	Jacoway	Rubey	Whaley
Dies	Johnson, Ky.	Rucker	Whitacre
Donovan	Johnson, S. C.	Russell	Williams
Doolittle	Kennedy, Conn.	Saunders	Wingo
Dupré	Kent	Shackleford	Witherspoon
Evans	Key, Ohio	Sherwood	Young, Tex.
Fergusson	Kirkpatrick	Sims	
Ferris	Lee, Pa.	Small	

#### ANSWERED "PRESENT"—2.

Mann

Shreve

#### NOT VOTING—208.

Alken	Deitrick	Hart	Neely, W. Va.
Ainey	Dershem	Haugen	O'Brien
Allen	Difenderfer	Heffin	Oglesby
Anderson	Dixon	Helvering	O'Hair
Ansberry	Donohoe	Hensley	O'Leary
Anthony	Dooling	Hinebaugh	O'Shaunessy
Austin	Doremus	Hobson	Paige, Mass.
Avis	Doughton	Houston	Palmer
Bailey	Driscoll	Hughes, Ga.	Parker, N. Y.
Baltz	Drukker	Hughes, W. Va.	Patten, N. Y.
Barchfeld	Dunn	Hulings	Peters
Barkley	Eagan	Jones	Peterson
Barnhart	Eagle	Keister	Phelan
Bartholdt	Edmonds	Kennedy, Iowa	Platt
Bartlett	Edwards	Kinkaid, N. J.	Porter
Barton	Elder	Kitchin	Powers
Beall, Tex.	Esch	Knowland, J. R.	Price
Borchers	Estopinal	Korby	Prouty
Bowdle	Fairchild	Kreider	Reed
Britten	Faison	Langham	Riordan
Brockson	Farr	Langley	Roberts, Mass.
Brodbeck	Fess	Lazaro	Roberts, Nev.
Brown, W. Va.	Fields	Lee, Ga.	Rothermel
Bruckner	Fitzgerald	L'Engle	Sabath
Brumbaugh	Floyd, Ark.	Levy	Scully
Burke, Pa.	Fordney	Lewis, Pa.	Sells
Burke, Wis.	Frear	Lieb	Sherley
Burnett	French	Lindbergh	Sisson
Butler	Gallagher	Lindquist	Slayden
Calder	Gallivan	Lobeck	Slomp
Callaway	Gard	Loft	Smith, J. M. C.
Cantor	Gardner	Logue	Smith, Md.
Cantrill	Garrett, Tenn.	McAndrews	Stafford
Carew	George	McClellan	Stephens, Miss.
Carlin	Glass	McGillcuddy	Stevens, N. H.
Carr	Godwin, N. C.	McGuire, Okla.	Sutherland
Cary	Goeke	McKenzie	Talbot, Md.
Casey	Goldfogle	Mahan	Taylor, N. Y.
Chandler, N. Y.	Good	Maher	Ten Eyck
Clancy	Gordon	Mapes	Townsend
Clark, Fla.	Gorman	Martin	Tuttle
Claypool	Goulden	Metz	Underhill
Cline	Graham, Ill.	Miller	Vare
Coady	Graham, Pa.	Mondell	Walker
Connolly, Iowa	Greene, Mass.	Moore	Wallin
Conry	Gregg	Morgan, La.	Walsh
Copley	Griest	Morin	Walters
Crisp	Griffin	Moss, W. Va.	White
Dale	Guernsey	Mott	Wilson, Fla.
Davenport	Hamill	Mulkey	Wilson, N. Y.
Davis	Hamilton, N. Y.	Murdock	Winslow
Decker	Hammond	Neeley, Kans.	Woodruff

So the motion to recommit was rejected.



The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

On this vote:

Mr. MOORE, to recommit, with Mr. GARRETT of Tennessee, against.

Mr. GRAHAM of Pennsylvania, to recommit, with Mr. LEE of Georgia, against.

Mr. GRIEST, to recommit, with Mr. WILSON of New York, against.

Until further notice:

Mr. MAHAN with Mr. CALDER.

Mr. GOULDEN with Mr. FAIRCHILD.

Mr. HENSLEY with Mr. AUSTIN.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. ANTHONY.

Mr. FIELDS with Mr. LANGLEY.

Mr. WILSON of Florida with Mr. ROBERTS of Nevada.

Mr. PATTEN of New York with Mr. PARKER of New York.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SCULLY with Mr. DUNN.

Mr. FITZGERALD with Mr. PLATT.

Mr. TALBOTT of Maryland with Mr. WALLIN.

Mr. AIKEN with Mr. BARCHFELD.

Mr. ALLEN with Mr. BARTHOLDT.

Mr. BAILEY with Mr. BURKE of Pennsylvania.

Mr. BARKLEY with Mr. FAIR.

Mr. BARNHART with Mr. AINEY.

Mr. BROWN of West Virginia with Mr. FESS.

Mr. BURKE of Wisconsin with Mr. ANDERSON.

Mr. BURNETT with Mr. AVIS.

Mr. CALLAWAY with Mr. BARTON.

Mr. CANTRILL with Mr. BRITTEN.

Mr. CARLIN with Mr. DAVIS.

Mr. CAREW with Mr. CARY.

Mr. CASEY with Mr. DRUKKER.

Mr. CLARK of Florida with Mr. EDMONDS.

Mr. CONRY with Mr. FREAR.

Mr. CLINE with Mr. FRENCH.

Mr. COADY with Mr. Copley.

Mr. CRISP with Mr. GOOD.

Mr. DAVENPORT with Mr. HINEBAUGH.

Mr. DECKER with Mr. HUGHES of West Virginia.

Mr. DERSHEM with Mr. GUERNSEY.

Mr. DIXON with Mr. FORDNEY.

Mr. DOREMUS with Mr. GREENE of Massachusetts.

Mr. DOUGHTON with Mr. HAUGEN.

Mr. EAGAN with Mr. KEISTER.

Mr. EAGLE with Mr. KENNEDY of Iowa.

Mr. EDWARDS with Mr. J. R. KNOWLAND.

Mr. ESTOPINAL with Mr. KREIDER.

Mr. GALLIVAN with Mr. LANGHAM.

Mr. GALLAGHER with Mr. LEWIS of Pennsylvania.

Mr. SHERLEY with Mr. MONDELL.

Mr. GODWIN of North Carolina with Mr. LINDBERGH.

Mr. GOLDFOGLE with Mr. LINDQUIST.

Mr. GRAHAM of Illinois with Mr. MCKENZIE.

Mr. GREGG with Mr. MCGUIRE of Oklahoma.

Mr. HAMILL with Mr. MAPES.

Mr. HEFLIN with Mr. MILLER.

Mr. HOUSTON with Mr. MORIN.

Mr. HUGHES of Georgia with Mr. MOSS of West Virginia.

Mr. KITCHIN with Mr. MOTT.

Mr. LIEB with Mr. PAIGE of Massachusetts.

Mr. LOBECK with Mr. PETERS.

Mr. McANDREWS with Mr. PORTER.

Mr. MORGAN of Louisiana with Mr. PROUTY.

Mr. NEELY of West Virginia with Mr. ROBERTS of Nevada.

Mr. O'SHAUNESSY with Mr. POWERS.

Mr. PHELAN with Mr. ROBERTS of Massachusetts.

Mr. PRICE with Mr. SELLS.

Mr. RIORDAN with Mr. SHREVE.

Mr. SABATH with Mr. J. M. C. SMITH.

Mr. SISSON with Mr. VARE.

Mr. GLASS with Mr. SLEMP.

Mr. STEPHENS of Mississippi with Mr. WALTERS.

Mr. DOOLING with Mr. SUTHERLAND.

Mr. HART with Mr. WOODRUFF.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question is on the passage of the bill.

The bill was passed.

On motion of Mr. MOON, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LEAVE OF ABSENCE.

Mr. HENSLEY, by unanimous consent, was granted leave of absence, for one day, on account of sickness in his family.

#### WITHDRAWAL OF PAPERS.

Mr. TAYLOR of Arkansas, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of the Southern Claims Commission, No. 13183, George W. Morris, no adverse report having been made thereon.

#### INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, and, pending that, I would ask the gentleman from South Dakota [Mr. BURKE] what arrangements we can make, if any, relative to general debate.

Mr. BURKE of South Dakota. What has the gentleman from Texas to suggest?

Mr. STEPHENS of Texas. I have a request for only one hour on this side. I desire to state that it will be occupied by one speech.

Mr. BURKE of South Dakota. I will say, Mr. Speaker, an hour on a side will be satisfactory to us.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill H. R. 20150, the Indian appropriation bill, and pending that he asks unanimous consent that the general debate be limited to two hours, one hour to be controlled by himself and the other by the gentleman from South Dakota [Mr. BURKE]. Is there objection to this request?

Mr. HARRISON. Mr. Speaker, reserving the right to object, may I ask the chairman of the committee if he proposes to finish general debate this afternoon and not to go into the five-minute rule?

Mr. STEPHENS of Texas. That is our desire.

Mr. HARRISON. I may want half an hour. Will the gentleman give me that time?

Mr. STEPHENS of Texas. I can not do so without extending the time, because I have agreed to let one person have the hour. The gentleman from Mississippi may have the time in case the gentleman to whom I have yielded will divide his time with him. I will state that there had been only one request until you made your request now, and that is why I asked for one hour on this side.

Mr. HARRISON. Can not the gentleman amend his request and make it three hours?

Mr. STEPHENS of Texas. I do not think, unless the House sits late to-night, that we can get through.

Mr. HARRISON. Then, I object, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. STEPHENS] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20150, the Indian appropriation bill.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, would it be in order to ask unanimous consent that when the bill is closed we have an hour of general debate on either side?

The SPEAKER. The Chair thinks so.

Mr. STEPHENS of Texas. Then I make that request.

Mr. MANN. What is the request?

Mr. STEPHENS of Texas. The request is that when the bill is closed we have one hour on each side for general debate; that is, after the conclusion of the reading of the bill under the five-minute rule.

Mr. MANN. I object to that. That changes the procedure of the House.

Mr. STEPHENS of Texas. We ask for the reading of the bill then.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill, H. R. 20150, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, and for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized for an hour.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise, in order to see if we can arrange for a time for general debate.

The SPEAKER. The gentleman from Texas moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 20150, the Indian appropriation bill, and had come to no resolution thereon.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] is recognized.

Mr. STEPHENS of Texas. Mr. Speaker, I will make this request, that the general debate be concluded within three hours, one hour to be controlled by myself, one hour to be controlled by the gentleman from South Dakota [Mr. BURKE], half an hour by the gentleman from Mississippi [Mr. HARRISON], and half an hour by the gentleman from Oklahoma [Mr. CARTER].

The SPEAKER. The gentleman from Texas asks unanimous consent that the general debate shall be limited to three hours, one hour to be controlled by himself, another hour to be controlled by the gentleman from South Dakota [Mr. BURKE], half an hour to be controlled by the gentleman from Mississippi [Mr. HARRISON], and half an hour to be controlled by the gentleman from Oklahoma [Mr. CARTER]. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Mr. Speaker, I was going to reserve the right to object. I am not going to object, but I want to ask the gentleman from Texas [Mr. STEPHENS] how late he intends, as chairman of the committee, to sit to-day?

Mr. STEPHENS of Texas. I think possibly until 6 o'clock, two hours and a half from now.

Mr. MANN. That will depend.

Mr. STEPHENS of Texas. As long as may be desired. I do not know.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. I now move, Mr. Speaker, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20150, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20150, the Indian appropriation bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] is recognized for an hour.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from South Dakota [Mr. BURKE] if he desires to use some time first?

Mr. BURKE of South Dakota. Not at present.

Mr. STEPHENS of Texas. Then I will yield one hour to the gentleman from Indiana [Mr. MOSS].

The CHAIRMAN. The gentleman from Indiana [Mr. MOSS] is recognized for one hour.

Mr. MOSS of Indiana. Mr. Chairman and gentlemen of the committee, I wish to speak on the question of rural credits. I shall confine myself principally to the element of State aid and to the attitude of the present administration toward rural-credit legislation.

In the wide discussion which has been given to rural credits there has developed no disagreement as to the necessity for additional legislation or as to the large measure of benefits which will inure to American agriculture from its enactment. On a former occasion, when I had the honor to address this House

on the subject of land mortgage banks, I assumed that there existed a true spirit of cooperation among the friends and advocates of this legislation to perfect a workable bill which could command wide confidence and support; and that the only contention which was present or which could arise was that noble contention or rather emulation of who best can work and best agree. For this reason I did not review the history of the growth and development of these institutions in other lands and among foreign peoples, but confined my remarks to a discussion of concrete propositions which have been advanced by groups of men for the consideration of Congress. I was working under the conviction that the fruition of all our labors was awaiting—and only awaiting—the appearance of a measure admittedly well adapted to the present-day conditions of American farm life and agreeable to the temperament of American farm citizenship. In this it seems that my position was not well taken; that a difference over principle and not of details is halting progress in this body and is preventing the consideration of this legislation.

The chairman of the subcommittee on banking and currency, Mr. BULKLEY, of Ohio, stated to the House recently that in his opinion a controversy over Government aid is the only thing which has prevented a complete agreement on rural credits. This is equivalent to saying that a disagreement over Government aid is preventing legislation on this subject. The gentleman from Ohio [Mr. BULKLEY] is one of the ablest Members of this body. His large store of information, his industrious habits, enthusiastic temperament, and uniformly courteous manner have won for him the high esteem of the membership of this House; and his opinion will be taken by all to reflect his mature conviction that unless an accommodation can be secured this legislation will fail at this session. His declaration demands that this discordant element be given a most thorough discussion.

Second in importance, if, indeed, it can be said to be subordinate in any degree, is his criticism of Secretary Houston's attitude and utterances on this subject. The remarks of the gentleman from Ohio [Mr. BULKLEY] will be taken by the general public in connection with the circular issued by a committee purporting to represent the progressive granges of the Nation and other like publications. The Washington Herald, of December 28, contains the following comment on the remarks under consideration:

A veiled attack upon the administration for its failure to insist upon rural-credit legislation at this session was made in the House a week ago by Representative BULKLEY, of Ohio, a Democratic leader; and there is a considerable element of Democrats in both Houses that feel resentful over the administration's apparent abandonment of the rural-credit bill.

The impression has been created, whether designedly or not, that Secretary Houston is antagonistic toward the enactment of rural-credit legislation, and that in this manner and to this degree the present administration is violating the pledged faith of the Democratic Party to the detriment of the American farmer.

In a country like ours, where all power permanently resides in the people and the exercise of it is delegated to certain officials for limited time and for specific purposes, no question can exceed in importance that of the good faith and honesty of purpose of those who hold this delegated power. If it be true that the administration is covertly opposing rural-credit legislation and is not in good faith desiring to redeem the pledges of the Democratic Party, then this most important fact should be known. If it be untrue, then there should be an equally frank acknowledgment, and there should be an end to all effort to shift responsibility for delay from Congress to the executive branch of the Government. For these reasons, I shall confine my remarks to a discussion of these two propositions.

I wish to disavow any controversy on the part of the United States commission over the question of Government aid as applied to rural-credit legislation. In our report, page 22, in discussing the feature of State aid, the commission said:

There is room for honest difference of opinion as to the question of State aid, if only European experience is consulted. In every instance in Europe where Government capital has been granted to establish mortgage credit the results have been favorable to the agricultural interests of that nation. It is our opinion that such aid should not be extended in the United States.

I desire now to elaborate on that opinion and to give in detail some of the reasons which led to that unanimous conclusion on the part of the commission.

I had the very great privilege to visit some of the leading European countries and of studying the actual conditions of their farm life as it exists to-day. The universal testimony is to the effect that conditions have improved immeasurably in peasant life since the date when these institutions were first



organized in those countries; but taking conditions as they now exist and comparing them with the conditions which surround American farm homes, the conviction is forced that European precedents are of but little, if any, value in framing American legislation to meet American conditions and purposes. This was the conclusion of practically every American official resident in Europe whom we met during our visit, as well as that of American business men with European residence and connections. In Europe the great struggle has been to escape from the servitudes imposed by the feudal system and to assist the agricultural class to rise from a state of serfdom imposed by an absolute government to that of an independent land-owning class. The only parallel which we can find in our history would be the struggles of the emancipated slaves who were liberated as a result of our Civil War. Down at the base of practically every system of government-capitalized mortgage banks in Europe lay an urgent necessity for social reform. This condition is so well understood by European students that this class of institutions was not emphasized before our commission. Dr. Augsbin, in an address before our commission in Berlin on the subject of mortgage banks, used these words:

The American farmer of to-day does not need any subsidy, nor would he accept it; but what he needs is a cheaply acquired credit on long-term mortgages and with the right of amortization. These credit facilities provided to your farmers would secure to your country greater productivity at less cost from the farms now under cultivation and, above all, give you more farms and more farmers. (*Agricultural Cooperation and Rural Credit in Europe*, p. 390.)

Dr. Augsbin is an authority on this subject who was delegated by the German Government to present it to our commission from a German viewpoint. He has traveled extensively in this country, and is firm in the opinion that no subsidy is necessary from the Government in order to establish mortgage banking in this country and to give our farmers cheap credit on long-time mortgage security. The conclusion of our commission is thus sustained by this eminent German authority, who is well acquainted with the operations of subsidized systems of mortgage banks.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield? Will it disconcert the gentleman to yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Tennessee?

Mr. MOSS of Indiana. It will not disconcert me, but I will say to the gentleman, if it is just the same to him, I would prefer to continue and quote some indorsements which I have prepared, and then, if I have time, I shall be glad to yield to the gentleman.

Mr. McKELLAR. Very well.

Mr. MOSS of Indiana. President Wilson has also supported our position by declaring that—

The farmers, of course, ask, and should be given, no special privileges, such as extending to them the credit of the Government itself.

Secretary Houston states in his annual report that—

There seems to be no emergency which requires or justifies Government assistance to the farmers directly through the use of the Government's cash or the Government's credit. It is the judgment of the best students of economic conditions here that there is needed to supplement existing agencies a proper land-mortgage banking system, operating through private funds, just as other banking systems operate, and this judgment is shared by the leaders of economic thought abroad.

Mr. Herrick, late ambassador to France and a profound student of banking, both in Europe and America, strongly supports the commission in its position on State aid. In his recent volume on "Rural Credits" Mr. Herrick warns against Government subsidy to mortgage banks as class legislation and declares it to be a perversion of the proper functions of government in a Republic. He states that in nearly all European Governments where direct Government aid has been granted it has led to bureaucracy, favoritism, and politics. Even more significant, and to American lawmakers more important, is his declaration that financial assistance is no longer extended in Europe except to institutions organized to help the poor to acquire homes or small tracts of agricultural lands. (P. 224, *Rural Credits*, by Herrick.)

Mr. David Lubin, of California, has done more to agitate and educate our people on this subject than any other American citizen. He has resided in Europe for some years, is the American delegate to the International Institute of Agriculture, and has an intimate personal knowledge of conditions in both Europe and America. His ability and sound judgment as a business man have enabled him to achieve signal success in agricultural and commercial fields of activity. Mr. Lubin is absolutely opposed to the grants, either of money or credit, by the Government to found systems of mortgage credit in the United States, and indorses the purely mutual associations of borrowers as the best instrumentality to secure cheap credit on long-time mortgage security.

Jesse E. Pope, in the *Quarterly Journal of Economics* for August, 1914, in a discussion of "Agricultural credit," speaking of European conditions, says:

Not only does direct financial assistance by the State tend to demoralize the individual, but in the long run it also dries up the sources of credit. This is the testimony of most Europeans who have given their lives to the solution of the problems of agricultural credit. Some of them at first advocated State aid; but when confronted with its results they became its ardent opponents. (*August Quarterly*, p. 739.)

And, finally, our commission secures a most emphatic indorsement in the Executive Bulletin, by the Hon. Emmet O'Neal, governor of Alabama, chairman of the committee of 12 governors of States which was appointed at the governors' conference at Richmond, Va., to prepare bills on rural credits to be submitted to the several State legislatures. This committee, after full consideration of the subject, decided that it was impractical to draft specific bills, but voted to draft a report declaring the fundamental principles which, in their judgment, should control legislation on this subject. The report is dated November 10, 1914. I quote in full what is said under the heading of Government subsidy.

The establishing of a wise, just, or successful system of land-mortgage banks can be accomplished without direct Federal aid, without subsidies or loans. With just and liberal enactments, properly safeguarding the lender, with rigid appraisement of values, with a simplified system of land-title registration or insurance, the savings of the Nation will gladly invest in these securities. No form of investment can be made more attractive or secure. Bills which seek direct Federal loans are unwise and will only delay or jeopardize the success of legislation on this subject.

Your committee indorses the views of the United States commission when they declare, "It is wise legislation rather than liberal appropriations or loans which rural credit mostly needs at our hands."

These indorsements can be extended to great lengths; but more impressive than words are actual accomplishments; and it is undeniably true that mortgage banking is being rapidly organized and extended in the United States without State aid, thus verifying by the results of actual experience the recommendation of our commission. The building and loan associations in the United States are extending their operations to include farm mortgages on periodic payments. In the State of Ohio these associations report aggregate farm loans exceeding \$11,000,000, with a maximum period of maturity running to 16 years.

In Indiana, under a recent State law, a million-dollar corporation has been organized, with a paid-in capital of \$250,000, to grant long-time credit on real-estate mortgages by issuing debenture bonds. This corporation is financed without any State aid and with no exclusive grants of territory. The president of this corporation in a recent letter to me states that the demand for copies of their constitution and articles of incorporation is so great as to necessitate having a special edition printed for general distribution. Real-estate loans are now being granted in Wisconsin under State law and without State aid, and a land bank with a minimum capital of \$100,000 is being organized in New York to grant loans under similar general terms and conditions. In the State of Illinois Mr. Woodruff, of Joliet, has organized a successful and rapidly growing mortgage business by issuing debenture land bonds, based on real-estate mortgages on Illinois improved farm lands and guaranteed by the capital of his banking corporation. Without the aid of supervision, either by the State or Nation, Mr. Woodruff has sold large issues of land bonds. His plan of operation is that of a private joint-stock bank, issuing debenture bonds. In a letter to me Mr. Woodruff indorses the position of the United States commission. In opposition to the statement of the gentleman from Ohio that mortgage credit can probably not be successfully organized without direct Government financial assistance, I will place the developments in these five great agricultural States—Ohio, Indiana, Illinois, Wisconsin, and New York. Thus the position of our commission is not only sustained by the mature convictions of students and political economists, but also by the actual growth and development of successful institutions over a large and representative area of our Nation.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. MOSS of Indiana. I would prefer to wait until I shall have completed my remarks and then I will gladly yield to the gentleman, if I have time.

The gentleman from Ohio [Mr. BULKLEY] did not quote a single authority or American precedent to sustain his contention that direct financial aid by the Government is essential to the successful organization of agricultural credit in the United States, but rests his contention on historical precedents. I have quoted Mr. Herrick to the effect that even the countries of Europe have abandoned subsidies, but I wish now to examine

more carefully the conditions under which such a policy was originally adopted. Any study of European institutions which neglects to give particular attention to the social and economic conditions of the inhabitants of those countries at the moment of the organization of such institutions will fail to secure correct conclusions.

In order to draw a contrast between the problem as it was then presented to those Governments and as it is now presented to us I desire to refer to a recent gathering of farmers in my own State. In the summer of 1913 I had the honor to deliver an address before the cattle feeders and corn growers of our State on the occasion of their annual picnic. The meeting was held on the historic battle field of old Tippecanoe, and the attendance included, as it always does, representative farmers from every county in the State. A census was taken of the attendance and of the automobiles parked on the grounds. There were 1,945 machines, with an aggregate value of not less than \$2,000,000. This meeting can be duplicated in perhaps any of the corn-belt States. Large numbers of automobiles can be seen at any farm sale or neighborhood picnic in any farm community.

Let us contrast this picture of wealth and business ability with the conditions which prevailed in Germany at the time when the first association was formed in that country. It is a picture of a country laid desolate by the ravages of a seven-years' war. The Government granted \$216,000 as an aid to the organization and operation of this association, which has been cited by the gentleman from Ohio as a reason why we should now give direct aid to mortgage banks in this country. I quote from Herrick's Rural Credits, page 37:

Many States had been entirely ruined, notably those in which armies had been encamped for a long time. The soil remained, it is true, but all which was necessary to give it value disappeared. Buildings were burned. The scattered live stock had died of hunger. Farm implements were rusted and rotten and the fields lay uncultivated. The value of the land had diminished 50 or 60 per cent, and where the owner had owed a large part before the war he was utterly unable to pay the interest on his debt, to say nothing about the principal at maturity. Numerous defaults were made, and the resulting foreclosures reduced the land values still further and excited the distrust of the money lender, who thereupon demanded repayment of all sums advanced, and thus brought about a crisis.

It has happily been more than 50 years since such conditions prevailed in any section of our country; and what shall be said of that statesmanship which seeks to go back to the desolation of the Civil War and to the miseries of the days of reconstruction to find conditions which might justify the passage of legislation which is urged to further increase the happy and prosperous conditions of to-day?

Reference has been made to Hungary, and the institutions of that kingdom have been selected in part by the subcommittee on Banking and Currency as their model. Let us review the conditions under which this institution was organized and subsidized in part by the Government. I quote from Rural Credit and Cooperation in Hungary, pages 26-27. This is a volume compiled by the Hungarian Government expressly for the use of the United States commission in making a study of their national institutions during our visit to that country.

It was this class (the gentry landowners) which suffered most heavily from the havoc wrought during the war of independence, 1848-49, and from the grave economic consequences of the same, as well as from the various measures taken by the absolute government.—In particular, the confiscation and destruction of 60,000,000 florins (\$24,000,000) worth of Hungarian bank notes, the suspension of the moratorium that had been granted to landowners at the very time when an enormous slump in the price of corn had taken the world by surprise, and the very injudicious and inopportune restrictive policy of the absolute government toward Hungarian savings banks. This combination of circumstances made the transition to a more modern system of farming in conformity with the changed conditions practically a catastrophe for the land-owning middle class. At the same time the cheapest rate of interest at which mortgage loans could be secured, even on unencumbered real estate, was 18 to 20 per cent. Nor was the lot of the emancipated vassals a better one.

Again we have a recital of war's desolation, radical change in social condition of inhabitants, and the repressive acts of an absolute government. Not even in the desolation and miseries following our great Civil War in the Southland can parallel conditions be established.

Russia has been drawn upon to contribute precedents to justify the grants of direct aid to mortgage banks in the United States under the policy of our "new freedom." In regard to territorial expanse Russia and the United States have great similarity, but in no other respect can a parallel be drawn. I have seen it stated recently that 70 per cent of the Russian peasants can neither read nor write.

The history of mortgage banking in Russia, as we are considering it, dates from the liberation of the serfs and thus involves the question of social reform. For a description of the actual conditions I quote from Mortgage Banking in Russia, by Fredericksen:

"The liberation of the serfs in 1860 marks an epoch in all things Russian. The change itself was of less immediate consequence to most serfs than to their masters. The former wanted to be free and to become the owners of the land. The latter wanted them to be free but to have no land. What took place was a division of the land, giving to 8,000,000 'souls' (male peasants paying the capitation tax), or about 20,000,000 persons, about 30 per cent of the land, the nobility retaining 24 per cent and the Crown and the Crown tenants owning the remainder. Each 'soul' obtained from 3 to 4 'deciatines,' giving to every family of three male members from 25 to 40 acres. The peasants had hoped for more land, and in many cases preferred compulsory labor on the manor to compulsory purchase of the land now adopted. Each village community was, when the change was finally completed at the accession of Alexander III, compelled to purchase its land from the Government in common, paying to the Government besides the interest at 6 per cent a small annual installment which will redeem the land in 49 years and which is assessed with other taxes on each village community. The nobles are paid for the land in Government bonds of different kinds. Thus the old village community was continued, and to-day the 'three-field system,' with a lot around each house owned individually, long narrow scattered strips of plow land allotted periodically, and pasture land held in common is still the usual mode of Russian agriculture."

We have here presented as the chief elements the liberation of a generation of serfs, the forced division, sale, and purchase of the lands of a great empire with the Government credit financing the undertaking.

It is admitted that the Government treasury lost large sums in taxes, remitted to the debt-owing liberated serfs, while maintaining the payments which the Government was pledged to make to the nobles whose estates were forcibly taken and divided among their former tenants. Happily no such condition ever prevailed in the United States, nor can our Government ever have similar motives for taking such extraordinary legislative process.

The history of France has been drawn upon to sustain the contention which the advocates of subsidy legislation are raising. That nation has unhappily passed through social and political revolution, which was caused in large part by the miseries and wrongs endured by her peasant population. The guillotine was erected in the public square of Paris. These conditions did not suddenly develop, but were the growth of generations of misgovernment and misrule. In speaking of the general conditions prevailing in France, Herrick says:

In the beginning of the last century credit facilities in France were in bad condition, mainly because of defective laws regarding the registration of instruments affecting the title or possession of land. A lender who took a mortgage was never sure of recovering his claim in case of foreclosure. Consequently money was scarce and usury was rife. The land was so heavily encumbered with debts which had been accumulated for generations that its returns were barely sufficient to pay taxes and annual dues. In 1826 the farmers and landowners were on the verge of bankruptcy.

These conditions grew worse until, in 1852, the Credit Foncier was organized in part with capital supplied by the State. It is a joint-stock bank, securing its successive increases of capital by the sale of shares of stock to individual investors. The bank does not do an exclusive farm business, but loans to municipalities and on urban properties, and finances large projects in the French African colonies. These loans constitute the larger part of its operations, and it is not contended that this bank has ever supplied even a large fractional part of the loans to French farmers. Less than 10 per cent of the total rural mortgage indebtedness of France is held by the Credit Foncier, after enjoying a monopoly and Government subsidy for 62 years. Within that time France has lost 40 per cent of her rural population, and has recently enacted legislation granting a loan of \$2,000 to any French citizen to purchase a farm home, and promises a pension for life to him if he will reside on the tract so purchased until he is 65 years of age. The Government of France also gives her farmers free State insurance against losses by hailstorms. Other systems of rural banks are assisted by the Government. In summing up his discussion of French agricultural credit Mr. Herrick, who is the best American authority on this subject, says:

State aid, which has been so lavishly extended in France, is a conspicuous failure when considered from the viewpoint of the hopes entertained in 1890. Even its partisans are far from satisfied with the progress made, and are now contemplating amendments to the laws in order to bring about vital changes in the credit Agricolt Mutuel.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Oklahoma?

Mr. MOSS of Indiana. I would prefer, Mr. Chairman, to go on with the remarks as I have them prepared, and after I close I shall be glad to yield to the gentleman.



Mr. THOMPSON of Oklahoma. The gentleman will not then have any time to yield. We have heard a great many of these rural-credit talks, but we have not had any rural-credit legislation.

The CHAIRMAN. The gentleman declines to yield.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I suggest that the gentleman is discussing a very important question, and there ought to be a quorum here to hear him. I suggest the absence of a quorum.

Mr. STEPHENS of Texas. I hope the gentleman will withdraw that.

The CHAIRMAN. The gentleman from Oklahoma makes the point that there is no quorum present. The Chair will count.

Mr. BATHRICK. Mr. Chairman, I hope the gentleman will withdraw his point. This is only to bring out both sides of the question. I ask that the speaker be allowed to finish his remarks.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I asked the gentleman a question a little while ago, and he declined to be interrupted; and I now make the point of no quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of no quorum. The Chair will count. [After counting.] Fifty-one Members are present; not a quorum. The Clerk will call the roll.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FOSTER having assumed the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, and had come to no resolution thereon.

Mr. STEPHENS of Texas. Mr. Speaker, the gentleman from Indiana [Mr. Moss] desires leave to extend his remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Moss] desires unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. THOMPSON of Oklahoma. Mr. Chairman, I object.

Mr. BATHRICK. I hope the gentleman will withdraw that objection.

Mr. THOMPSON of Oklahoma. I have already objected.

#### ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. HOWARD) there were—ayes 15, noes 24.

Accordingly the House refused to adjourn.

Mr. THOMPSON of Oklahoma. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Fifty-one Members present—not a quorum.

Mr. UNDERWOOD. Does the Chair state that there is not a quorum present?

The SPEAKER pro tempore. There is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 29, noes 15.

So the motion was agreed to.

Accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until Saturday, January 2, 1915, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of the Treasury transmitting a communication from the Secretary of State submitting an estimate of appropriation in the sum of \$40,000 to enable the Government of the United States to participate in the Second Pan American Scientific Congress to be held at the city of Washington, D. C., in October, 1915 (H. Doc. No. 1468); to the Committee on Appropriations and ordered to be printed.

2. Letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of mouth of Brazos River, up to Freeport, Tex., with a view to securing a depth of 25 feet (H. Doc. No. 1469); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CURRY, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (H. J. Res. 391) authorizing the Secretary of Commerce to postpone the sale of fur-seal skins now in the possession of the Government until such time as in his discretion he may deem such sale advisable, reported the same without amendment, accompanied by a report (No. 1256), which said joint resolution and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 20470) to divorce transportation in interstate and foreign commerce from manufacture, mining, production, and dealing, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Maryland: A bill (H. R. 20471) to secure to the United States a monopoly of electrical means for the transmission of intelligence for hire; to provide for the acquisition by the Post Office Department of the telephone networks; and to license certain telephone lines, radio and telegraph agencies; to the Committee on the Post Office and Post Roads.

By Mr. EVANS: A bill (H. R. 20472) providing for a site and public building for a post office at Anaconda, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. KENNEDY of Connecticut: A bill (H. R. 20473) to provide for enlarging the United States building at Waterbury, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Utah: A bill (H. R. 20474) authorizing and directing the Secretary of the Interior to patent certain lands to the State of Utah and to accept from said State certain other lands in lieu thereof; to the Committee on the Public Lands.

By Mr. TOWNER: Joint resolution (H. J. Res. 395) authorizing the President of the United States of America to prohibit by proclamation the exportation of arms, ammunition, and munitions of war; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 20475) granting an increase of pension to Thomas Hart; to the Committee on Invalid Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 20476) to correct the military record of John Minster; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 20477) granting a pension to Laura J. Spencer; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 20478) granting a pension to Joseph H. McIntyre; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 20479) granting a pension to Lillie R. Abbott; to the Committee on Pensions.

By Mr. FRANCIS: A bill (H. R. 20480) granting an increase of pension to Mary E. Glaspy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20481) granting an increase of pension to Dixon M. Hepburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20482) granting an increase of pension to Peter Wagner; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 20483) granting a pension to William A. Bowen; to the Committee on Pensions.

Also, a bill (H. R. 20484) granting a pension to James J. Huff; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 20485) granting an increase of pension to Matthias Hartenschwiller; to the Committee on Pensions.

By Mr. MOORE: A bill (H. R. 20486) granting an increase of pension to Artemas C. Barclay; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 20487) granting a pension to James E. Welch; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 20488) granting an increase of pension to Charles R. Brackett; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 20489) granting an increase of pension to Evalyn Wakefield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20490) for the relief of Edson Watson; to the Committee on Claims.

By Mr. STONE: A bill (H. R. 20491) granting a pension to Rosa L. Huebner; to the Committee on Pensions.

Also, a bill (H. R. 20492) granting an increase of pension to James Sterns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20493) granting an increase of pension to Andrew R. Jones; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 20494) granting a pension to Mary Gertrude Russell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 20495) granting a pension to Arthur L. Perry; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of J. L. Amstutz and 37 other citizens of Wayne County, Ohio, asking for the passage of House joint resolution 377, relative to munitions of war; to the Committee on Foreign Affairs.

By Mr. BEAKES: Petitions of 100 citizens of Jackson, Mich., favoring House joint resolution 377, relative to export of munitions of war; to the Committee on Foreign Affairs.

By Mr. GERRY: Petition of Mrs. R. I. Gammell, of Providence, R. I., protesting against equal suffrage; to the Committee on the Judiciary.

Also, petitions of C. A. Crombe, George W. Eddy, Walter Hazard, of Wickford; Mrs. Sarah M. R. Aldrich, Mrs. Alice B. Ham, Marion W. Jenks, Mrs. J. W. North, Ellen M. Anthony, Barton P. Jenks, Rhode Island State Grange, and Rhode Island Woman Suffrage Association, of Providence; Helena Sturtevant, of Middletown; and Pawtucket Woman Suffrage League, of Pawtucket, all in the State of Rhode Island, favoring equal suffrage; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of citizens of the second New York congressional district, favoring House joint resolution 377, relative to munitions of war; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Petition of citizens of Los Angeles, Cal., favoring the passage of the Hamill bill, H. R. 5139; to the Committee on Reform in the Civil Service.

Also, petition of Branch No. 97, Catholic Knights of America, protesting against the publication of the Menace; to the Committee on the Post Office and Post Roads.

Also, memorial of Brotherhood of Locomotive Firemen and Enginemen, Orange Grove Lodge, No. 97, of Los Angeles, Cal., favoring the passage of the Cummins-Goeke bill (H. R. 17894); to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Central Labor Council, Los Angeles, Cal., relative to increase in the wages of the employees on the Canal Zone; to the Committee on Labor.

Also, memorial of employees in engine and train service, San Francisco, Cal., favoring the passage of the Cummins-Goeke bills (S. 6165 and H. R. 17894); to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Ernst, of Los Angeles, Cal., protesting against printing of return envelopes by the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. SWITZER: Protests of 820 citizens of the tenth congressional district of Ohio, petitioning for legislation to forbid the use of the United States mails to The Menace and similar publications; to the Committee on the Post Office and Post Roads.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth New York district, favoring the passage of S. 3672, for the straightening of the Harlem River; to the Committee on Rivers and Harbors.

#### SENATE.

SATURDAY, January 2, 1915.

(Legislative day of Tuesday, December 29, 1914.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The PRESIDENT pro tempore. The regular order is the unfinished business, House bill 6060, the so-called immigration bill. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. MARTINE of New Jersey. Mr. President, I raise the point of the lack of a quorum.

The PRESIDENT pro tempore. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	O'Gorman	Smith, Md.
Brandagee	Gronna	Oliver	Smith, S. C.
Bryan	Hardwick	Overman	Smoot
Burton	James	Page	Sterling
Chamberlain	Johnson	Perkins	Swanson
Clapp	Kern	Reed	Thornton
Clarke, Ark.	Lodge	Robinson	Townsend
Culberson	McCumber	Sheppard	Vardaman
Dillingham	Martine, N. J.	Simmons	White
Fletcher	Nelson	Smith, Ariz.	Williams
Gallinger	Norris	Smith, Ga.	

Mr. REED. I desire to announce the necessary absence of my colleague [Mr. STONE]. I believe he will be able to return to the Senate some time later in the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of my colleague [Mr. SUTHERLAND].

Mr. MARTINE of New Jersey. I was requested to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON]. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. TOWNSEND. I wish to announce the absence of the senior Senator from Michigan [Mr. SMITH] and that he is paired on all votes with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

Mr. SWANSON. My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness in his family. He is paired with the Senator from Illinois [Mr. SHERMAN].

Mr. LODGE. My colleague [Mr. WEEKS] is unavoidably absent. He has a general pair with the Senator from Kentucky [Mr. JAMES]. I make this announcement to stand for the day.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. A quorum of the Senate is not present. The Secretary will call the list of the absentees.

The Secretary called the names of the absent Senators, and Mr. SHAFROTH and Mr. THOMAS answered to their names when called.

Mr. HOLLIS entered the Chamber and answered to his name.

The PRESIDENT pro tempore. The second roll call still discloses the absence of a quorum. What is the pleasure of the Senators present?

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will take due notice and enforce the order accordingly.

Mr. PITTMAN, Mr. MYERS, and Mr. BORAH entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum of the Senate is present. The Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, in which it requested the concurrence of the Senate.

#### CREDENTIALS.

Mr. PITTMAN presented the credentials of FRANCIS G. NEWLANDS, chosen by the electors of the State of Nevada a Senator from that State for the term beginning March 4, 1915, which were read and ordered to be filed.

#### REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. SMITH of South Carolina. Mr. President, I offer the following amendment, which is merely to make the bill conform to the present law: On page 26, line 2, following the second semicolon, I move to insert "whether in possession of \$50, and, if less, how much." That has been suggested in order to keep the statistical tables correct.

The PRESIDENT pro tempore. The Secretary will note the amendment.

Mr. SMOOT. Mr. President, there is so much confusion in the Chamber that I could not hear the statement of the Senator from South Carolina, and I should like to have the Secretary report the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.